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1996 - 1997

CIVIL GRAND JURY

REPORTS



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CIVIL GRAND JURY

REPORTS



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“Never doubt that a small group of thoughtful committed citizens can change the world. Indeed, it’s the only thing that ever has.”

Margaret Mead



“In our system of government, the grand jury is the only agency free from possible political or official bias that has an opportunity to see...the operation of government...on any broad basis. It performs a valuable public purpose in presenting its conclusions drawn from that overview...”

Calif. Supreme Court, Monroe v. Garrett (1971) Cal. Appl 3d 280

What is a Grand Jury

Grand Juries originated in England in the eleventh and twelfth centuries. The first American Grand Jury system began in 1635 at the Massachusetts Bay Colony.

The California Constitution called for grand juries, and in 1849 the California Legislature provided for grand juries in each county. In 1880, the California Legislature passed laws requiring grand juries to investigate county governments. This was amended in 1983 to include incorporated cities. Only seven other states provide for investigation of county and city government by a grand jury beyond alleged misconduct of public officials. Only California and Nevada mandate that grand juries be impaneled annually to function specifically as a "watchdog" over county and city government. Certain larger counties, such as San Francisco, have both an Indictment (criminal) and a Civil Grand Jury.

How is it selected

Each fiscal year applications are accepted from qualified citizens of the United States, 18 years of age or older, who have resided in San Francisco County for one year. Service on the Grand Jury is voluntary. Applicants should be intelligent, of good character, and possess a working knowledge of the English language. Effort is made to impanel a jury of qualified men and women of diverse age, socioeconomic, ethnic, and educational backgrounds.

San Francisco Superior Court judges review the candidates and choose 30 potential jurors. From this group a drawing is held to select the 19 jurors who will serve for a twelve-month term starting each July. At the discretion of the Presiding Judge as many as 10 members of the previous year's Jury may serve a second term.

How does it work

The Presiding Judge appoints a Foreperson to preside at meetings. The Jury organizes itself into committees and determines which of the various departments and functions of government in the City and County of San Francisco it will investigate. It also reviews compliance with the recommendations of previous Civil Grand Juries.

Areas to be investigated are suggested by letters from citizens and from the initial work of jury committees. All actions of the jury, including any communication from the public, are totally confidential until publication of the Reports.

State law requires specific responses, within 60 days from any elective official and within 90 days from any public agency, to the Jury's Recommendations. Responses are also reviewed by the Rules Committee of the Board of Supervisors.

Civil Grand Jury work is demanding. Members commit to approximately 500 hours of work during their term. Rewards for jury service come from an increased knowledge of local government and the satisfaction of making a worthwhile contribution to the improvement of one's community.

CITY AND COUNTY OF SAN FRANCISCO
1996 - 1997 CIVIL GRAND JURY

633 Folsom St., San Francisco, CA 94107

TO: All Respondents to Civil Grand Jury Reports
FROM: Ron Miguel, Foreperson, 1996-1997 San Francisco Civil Grand Jury
RE: Implementation of SB1457 (effective 1/1/ 97) -- Responding to Civil Grand Jury Reports

Section 933.05 was added to the Penal Code and assists grand juries in their charge to investigate and report as defined in previous legislation. This does not affect PC 914.1 which establishes a 60 day time limit in which public agencies are to respond and a 90 day time limit for elected officials.

SB 1457 establishes a report/response format as follows:

A. A grand jury may request a subject person or entity to appear before it for the purpose of reading and discussing the findings of the grand jury that relate to that person or entity in order to verify the accuracy of the finding. It also requires that grand juries, following approval by the Superior Court presiding judge and at least two working days prior to the public release of the report, shall furnish each respondent a copy of the report which pertains to the respondent. No respondent shall disclose any contents of the report prior to the public release of the final report.

B. As to each grand jury finding, the responding public officer or agency shall indicate one of the following:

1. The Respondent agrees with the finding or
2. The respondent disagrees wholly or in part with the finding. If this response is chosen, the respondent shall specify that portion of the finding which is disputed and includes an explanation of the reasons for the disagreement.

C. As to each grand jury recommendation, the responding public officer or agency shall indicate one of the following:

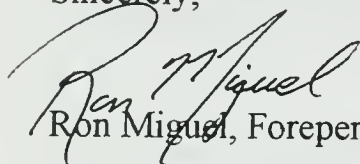
1. The recommendation has been implemented. A summary of significant detail shall be included.
2. The recommendation has not been implemented, but it is the intention of the respondent to implement it. A time-frame for implementation shall be included.
3. The recommendation required further analysis. A detailed explanation shall be included stating the scope of the study with a declaration of the date by which the matter will be prepared for discussion and disposition by the respondent. The date shall not exceed six (6) months from

the date of publication of the report.

4. The recommendation will not be implemented because it is not warranted or is not reasonable. An explanation shall be included.

D. If a finding or recommendation addresses budgetary or personnel matters of a department headed by an elected official, both the department head and the Board of Supervisors shall respond. The Board of Supervisors response shall be limited to those budgetary or personnel matters over which it possesses decision-making authority.

Sincerely,


Ron Miguel, Foreperson

**CITY AND COUNTY OF SAN FRANCISCO
1996 - 1997 CIVIL GRAND JURY**

633 FOLSOM ST., ROOM 100
SAN FRANCISCO, CA 94107

TELEPHONE: 415- 554-5057
FACSIMILE: 415 -554-6434

Honorable Laurence Kay, Presiding Judge
Superior Court of California
633 Folsom St.
San Francisco, CA 94107

Dear Judge Kay:

On behalf of the 1996-1997 San Francisco Civil Grand Jury, it is my duty and pleasure to present to you these Reports which are the culmination of our efforts over the past twelve months. Each and every Juror is proud of the opportunity to participate in this valuable and venerable institution. We have attempted to serve both the Superior Court and our fellow citizens in the City and County of San Francisco with diligence and industry.

The diversity of subject matter mirrors the very complex nature of our local government -- from Recreation to Construction, Human Resources to Animal Control, Jails for both youth and adults, Libraries to Housing, Pension Plans to Motor Vehicles.

We were fortunate to have an amazing breadth of experience and expertise distributed throughout the 19 jurors. By drawing upon the particular talents available from this cross-section of our citizenry; by pooling our diverse backgrounds and our myriad strengths, as well as those resources available to each individual; by dint of just hard work, long hours and extensive research; we have reached the consensus shown in these Reports.

Strangers to each other a short twelve months ago, each juror brought to the table an open mind and a stimulating intellect. Their dedication to the task which you assigned last June has remained always true, at times -- exhausting, but, in the end -- rewarding. Each juror made valuable contributions to the whole. By virtue of a Socratic dialogue we separated facts from conjecture and fine tuned our Recommendations. It was an honor to serve as Foreperson. In particular, I'm indebted to Elizabeth Zitrin, who served both as Secretary of the Jury and as its Editorial Chair.

We were surprised and elated to discover a wonderful side-benefit of the Civil Grand Jury system. It is usually presumed that a Jury's Reports and the process of Responses to Recommendations constitute the primary effectiveness of this process. This year it became readily apparent that the very method and procedure of our investigations and interviews were, in themselves, producing measurable and salutatory effects far beyond our expectations. In many instances and over a range of Projects, because we questioned certain practices -- modifications were instituted in procedures; when we insisted on obtaining specific information -- operations were revised; upon investigating certain programs -- changes were made. We were amazed to find that simply by carrying out our duties with diligence -- making inquiries and gathering data -- there was a positive effect within many departments and agencies. As in any large organization, private or bureaucratic, common sense, proper adherence to the rules, and conscientious behavior sometimes becomes lax. The Jury, in the very act of complying with its injunction to investigate and report on the needs of all county officers, departments and agencies, engendered areas of compliance and responsibility in an amazing number of instances.

It is a common lament of Grand Jurors throughout California that insufficient attention is paid to their Reports. We trust that the aforementioned reaction, coupled with the new legislative regulations regarding Responses to Recommendations, will enhance the effectiveness of Civil Grand Juries.

Through the efforts of Ed Harrington, Controller, John Taylor, Clerk of the Board of Supervisors, and Gary Giubbini, Grand Jury Coordinator, Responses to the Recommendations of each Civil Grand Jury will now be distributed to the particular Jury which initiated the Report -- even though it is no longer in office. This will enable those former jurors to appear at hearings of the Board of Supervisors Rules Committee and be present when discussions take place. This public forum may well prove to be the most effective arena available to the San Francisco Civil Grand Jury, and we intend to take full advantage of it.

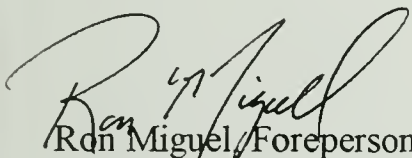
The practice, initiated by the 1995-1996 Jury, of posting Reports on the Civil Grand Jury's section of the San Francisco Web page will be continued. That page now enables an Internet viewer to access our Reports and to send a response or inquiry for the Jury's attention.

I would be remiss not to convey the entire Jury's appreciation of the Superior Court staff with whom we have worked so closely. Gary Giubbini, Grand Jury Coordinator, provided us with excellent assistance and advice. His fine sense of humor and naturally upbeat nature served to help us through some demanding times. Mike Tamony, Grand Jury Consultant, was invaluable in clarifying possible problem areas and keeping us on a true path. Deputy "Kaz" - John Kaczmarczyk's good nature and fine assistance was greatly appreciated. Certainly we

would have been lost without Paula Hollander's efforts in the final stages of readying our publication.

Thank you for holding me over another year and for requesting that I serve as Foreperson. It has been an invigorating experience. The pleasure of working with two groups of San Franciscans -- 36 diverse citizens of our great city over the two years -- has been unforgettable. The complete freedom which you allowed us, your confidence in our ability to deal with difficult situations, the knowledge that we could always be assured of prompt and sage advice, have been greatly appreciated.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Ron Miguel". The signature is fluid and cursive, with the first name "Ron" and last name "Miguel" clearly distinguishable.

Ron Miguel, Foreperson

1996-1997 Civil Grand Jury

**Members of the 1996-1997
San Francisco Civil Grand Jury**

Ron Miguel, Foreperson
Elizabeth A. Zitrin, Secretary

Wade A. Acton
Serena Bardell
Robert L. Bassinette
Al D. Benjamin
Jane A. Buckley
Bruce D. Celebrezze
Scott Conley
Frederick S. Fields
Stanley Granz
Margery Hom-Brown
Jack Leibman
John Lockley
Jesús Ramos
John J. Ross
Michael H. Samson
John J. Walsh
Brent T. Yonehara

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**THE SAN FRANCISCO
UNIFIED SCHOOL DISTRICT**

Report of the
1996-1997 San Francisco Civil Grand Jury

THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT

SUMMARY

Since 1983, the structure and operations of the San Francisco Unified School District (SFUSD, or the District) have been governed by a court ordered Consent Decree which prescribes District-wide desegregation as a means of achieving academic excellence for all racial and ethnic groups.

The 1996-1997 San Francisco Civil Grand Jury (CGJ) has concluded after investigation that while the Consent Decree has accomplished its desegregation purpose, it has been a failure in its more important goal of producing system wide educational success among its students.

Thirteen years of experience have shown that the performance of two large ethnic groups, African-Americans and Hispanics, on standardized reading and mathematics tests, has continued to lag behind other groups, and that with only a few individual school exceptions, measures taken to date, despite all efforts to reverse this situation, have been inadequate and ineffective.

From infancy, education is a parental and family responsibility, and the fundamentals of language are instilled by the time a child is two or three years old. Formal schooling, beginning at the age of four years and nine months, must build on blocks laid down at a very early age. The prospective student must be ready to read English by the time he or she enters kindergarten. At a minimum, this requires two years of pre-school training.

The Grand Jury concludes that immediate steps must be taken to correct this trend, including:

- 1) Adoption of a gradual and progressive program which would reduce the school entering age from its present four years and nine months to two years and nine months.
- 2) Formation of active parents' participation groups in every San Francisco school.
- 3) Building effective links between major community groups and the public school system.
- 4) Public reexamination of the 1983 Consent Decree to determine in what manner it may effectively raise the academic accomplishments of the student population it is intended to serve.

I. Background of the San Francisco Unified School District

The San Francisco Unified School District, which was founded over 100 years ago, is a quasi-independent agency of the City and County of San Francisco. Funding is derived from local, state and federal sources, plus some investments, and its assets are approximately \$745,000,000. The District has an annual budget of \$530 million. It employs 3,500 teachers and 250 offsite administrators. There are 63,484 students. The District operates 111 elementary, middle and high schools (76 elementary, 17 middle and 18 high schools) plus 37 child care centers.

Governance of the SFUSD is by an elected Board of Education consisting of seven members, most of whom have a background in education.

The staff is headed by a Superintendent of Schools appointed by the Board; the incumbent has occupied this position for approximately five years.

II. The Grand Jury's Investigation

The Civil Grand Jury began its investigation of the SFUSD by accumulating written materials on the District's operations and reviewing recent media articles, and from conversations with knowledgeable persons including newspapers reporters.

The Grand Jury then met formally with the Superintendent and the District's Chief Financial Officer in October 1996. Following these interviews, the CGJ determined that it would meet with principals and teachers from various schools at different levels selected from their geographical and student diversity, and most of the interviews have been with these persons. The Grand Jury has also consulted members of the Board of Education who often represent opposing views.

The Grand Jury has also conferred with counsel for the District and for the NAACP in the Federal Court (Consent Decree) action.

Our interviews have been supplemented by continuing reading supplied for the most part by the District and particularly by the Office of Planning, Research and Information Systems, SFUSD.

These investigations ultimately led us to the changing document which has governed the shape and planning of education in San Francisco since 1983 -- the Consent Decree.

III. The Consent Decree

San Francisco is a city of minorities. In the last century and a half its Golden Gate has provided entry for immigrants from Central and South America and from an impressive array of races and ethnic groups from the Far East and Southeast Asia as well as a full

complement of Europeans.

World War II brought an influx of African-Americans from the Deep South. The Civil Rights movement, beginning with *Brown v. Board of Education* in 1954 and culminating in the Civil Rights Act of 1964 addressed certain problems confronting African-Americans, and resulted in substantial desegregation efforts throughout the country. Many of these efforts focused on the schools, and "busing" became a synonym for school desegregation, since it was the principal means of mixing the races. The underlying premise of school desegregation was that if all students, of whatever ethnic group, had an equal opportunity in the same environment to learn, the educational results forthcoming should be equal.

In 1982, the NAACP brought a legal action in the United States District Court^{1/} in San Francisco asserting that in San Francisco schools were illegally segregated in contravention of the 1964 Civil Rights Act and other legislation. While this litigation was initially directed to the problems of African-Americans, it came to involve all racial and ethnic minorities. The court appointed a Committee of Experts which met and conferred with the parties, including not only the NAACP but the District and also the State of California, in an attempt to work out an agreement which would form the basis of a court judgment. This was designed fully to address the segregation problem for all minorities while at the same time providing ongoing supervision of the quality of education in the District to ensure the best possible education for all. The consensus agreement of the Committee of Experts and the parties became the basis of the Consent Decree of 1983.

^{1/} *N.A.A.C.P. et al. v. San Francisco Unified School District et al.*, C78-1445 WHO, U.S. District Court N.D. Cal.

The central mechanism of the Consent Decree is enforced desegregation:

"A major goal . . . shall be to eliminate racial and ethnic segregation or identifiability in an SFUSD school . . ." ^{2/}

The Decree proceeds to identify nine racial/ethnic groups, as follows:

- Spanish surname
- Other white
- African-American
- Chinese
- Japanese
- Korean
- Filipino
- American Indian
- Other non-white

"No school shall have fewer than four racial/ethnic groups . . ." ^{3/}

And further,

" that no racial/ethnic group shall constitute more than 45 percent of the student enrollment of any regular school. " ^{4/}

The ultimate purpose of the Consent Decree is set forth under the heading of "Academic Excellence" as follows:

^{2/} Consent Decree, p. 5.

^{3/} Consent Decree, p. 5.

^{4/} Consent Decree, p. 6.

"39. The parties agree that the overall goal of this Consent Decree will require continued and accelerated efforts to achieve academic excellence throughout the SFUSD. The SFUSD shall evaluate student academic progress for the purpose of determining the curricula and programs most responsible for any improved test scores and learning in the District and the extent to which these curricula and programs are available to students of all racial/ethnic groups. The SFUSD shall adopt any additional curricula and programs necessary to promote equal educational opportunity."^{5/}

The true purpose of the Consent Decree, then, is not merely desegregation for its own sake, but the promotion of academic excellence through equality of learning opportunity for all racial/ethnic groups.

The Grand Jury, after examining the foregoing, determined that it should direct its investigation toward two questions.

IV. Questions Presented

1. IS THE CONSENT DECREE WORKING?
and,
2. IF NOT, WHAT CAN BE DONE ABOUT IT?

The Grand Jury's investigation of these questions necessarily involved a sampling process, primarily discussions with those directly involved in the implementation of the Consent Decree including principals, teachers and administrators.

^{5/} Consent Decree, p. 27-28.

There is general consensus that the desegregation aspect of the Consent Decree has been effective, if by effective one means achieving ethnic desegregation. As a glance at any school yard during recess will attest, children of many races, colors and languages attend every San Francisco school. This picture has not been painted without substantial demographic shifts, however. Although Caucasians constitute 44% of the city's population, they make up only 13% of the public school population; the remaining 87% are categorized as non-white. In 1983, there were fewer Hispanics and Asians and more African-Americans than today. Using the Consent Decree's nine categories the school population by percentage is presently as follows:

- Hispanic 20.5
- Other White 13.1
- African-American 17.4
- Chinese 26.7
- Japanese 1.0
- Korean 1.2
- American Indian .7
- Filipino 7.5
- Other non-white 11.8^{6/}

We have the anecdotal evidence of one principal, that although her school is desegregated, she cannot get Asian and black children to hold hands in a simple playground game of "Ring Around The Rosie". In general, while schools are desegregated, classrooms may not be. One Bayview elementary school has not one white student. In short, the Decree has resulted in physical desegregation. Social desegregation remains a distant goal.

^{6/} Information furnished by SFUSD.

Evaluation of the Consent Decree's goal of producing academic excellence through equality of opportunity, however, leads qualified observers to the sad conclusion that in this respect, the Decree has been a failure. The District Court's Expert Committee Report of July 1992, chaired by Professor Gary Orfield of Harvard, issued a 78-page report in July 1992 (the Orfield Report) which was sharply critical of the Decree as a means to achievement of universal academic excellence. The Report begins:

"There have been both successes and failures under the [Consent] Decree. After eight years of experience, however, the achievement data show that most African-American and Hispanic students still face devastating levels of educational failure."^{7/}

The Report notes that, according to the District's own data:

"Where poorly performing inner-city schools were simply given large amounts of new money and staff, there were no overall academic gains for African-American and Hispanic students.

Too often the Decree became simply another funding source rather than the catalyst for new approaches to teaching minority students."^{8/}

While the official drop-out rate (drop outs before age 17) for the District is only 2.2%, African-American and Hispanic students alone comprised 28% and 25%, respectively, of this figure.

The Orfield Report concludes:

"The District must do more than it has done to educate Hispanic and

^{7/} Orfield Report, p. 1.

^{8/} Orfield Report, p. 9.

African-American children. Clearly, there is a social and economic crisis of great severity in the inner city and the schools need the support of other basic community institutions in their efforts; we call for a major push for such cooperation . . ."^{9/}

The Consent Decree requires that each year the SFUSD provide a report to the court that shows how students in each targeted school and program are doing over time by race, gender, language, status, initial achievement levels and other factors the parties consider important. The report shall be longitudinal, following the same students over time.^{10/}

The longitudinal study dated October 15, 1996 of the SFUSD to the court demonstrates a marked disparity between the CTBS (California Test of Basic Skills) scores of Hispanic and African-American students and District averages, amounting to as much as one third less in the case of mathematics and somewhat less in reading. Such scores, which are lower than those of comparable students around the country, have brought a volley of criticism on the District.

The Grand Jury concludes that the Consent Decree is not working, at least for the substantial African-American and Hispanic groups. (See CONCLUSION, below)

Why African-Americans and Hispanics?

In the SFUSD, 57%-60% of students speak a language other than English at home. This means that a substantial amount of teacher time must be spent simply in teaching

^{9/} Orfield Report, p.10.

^{10/} Consent Decree, p. 28.

students to become proficient in English. In the case of Hispanics, LEP (Limited English Proficiency) is the single most important cause of poor achievement. Because English is not spoken at home, many children are not "reading ready" when they arrive in school.

In the case of African-Americans, the combination of early drop-out and poor academic achievement has produced young adults whose situation is indeed dire. An article in the San Francisco Chronicle of March 19, 1997 comments on a report by the Commission on the Status of the African-American Male and cites shorter life spans, higher unemployment and longer prison sentences as evidence of conditions that are not improving for black men in California. Thus, African-American males represent 3.7% of California's population but have an unemployment rate of 13.1% compared to 7.5% for all California males.

According to one Board member, a prime factor in poor African-American student achievement, is "lack of parental expectation." Many African-American students come from single-parent homes or families struggling to make ends meet.

Poverty is also a substantial contributor to failure. In the San Francisco Unified School District, 50% of the students are "free" or "reduced" lunch recipients, a proof measure of poverty since federal funds for free lunches are limited to the poorest sector of the school population.

Similar economic factors affect underachieving Hispanic students: many Hispanics are Catholic and send their children to parochial schools when they can afford the

tuition,^{11/} which leaves mostly the poorest Hispanics to attend public school.

In this country Hispanics now constitute the under-class as the "poorest of the poor," according to an article in the New York Times dated January 30, 1997. In 1995, median household income rose for every other American ethnic and racial group, including African-Americans, but for the nation's 27 million Hispanic residents it dropped 5.1%. Hispanic residents now constitute nearly 24% of the country's poor, up 50% since 1985. 30% of all Hispanic residents were considered poor in 1995, meaning they earned less than \$15,569 for a family of four. Hispanic residents have by far the highest high school drop-out rate of any group in the nation. Only 78% finished high school compared to 91% of whites and 84% of blacks. Contributing to this problem is the waning number of blue collar jobs as the country's economy changes to service-oriented and technical/ business jobs. A Rand Corporation study found that Hispanic immigrants arrive in the United States speaking less English than their European or Asian counterparts and never catch up. The article concludes that limited English proficiency is the root cause of poor achievement by Hispanic students.

V. Remedial Actions Taken by the SFUSD

Since the Orfield report in 1992, the District has undertaken substantial and sometimes drastic steps to improve the quality of academic achievement. Schools with poor scores have been subject to intense scrutiny and have received injections of staff and funds, together with emissary administrators from District Headquarters whose job it is to keep administration closely informed as to activities and programs at their assigned schools. In a number of cases, schools have been totally reconstituted, that

^{11/} According to the Archdiocese of San Francisco, there are 66 parochial schools, K-8, and 13 high schools, 9-12, all of which require payment of tuition. Some scholarships are available on individual application for needy students.

is, the principal and the majority of teachers have been removed and relocated with new and presumably more vigorous as well as more ethnically diversified staff being appointed.

In approximately 12 instances since 1983 the District has resorted to this drastic remedy, which in certain instances has resulted in what the Superintendent calls "pockets of excellence." Philip and Sala Burton High School in the Bayview District has been reorganized with an excellent principal and younger teachers who more closely approximate the ethnic mix of the school than the former staff. At Balboa High School a special African-American program involving group sessions and counseling has lifted grade point averages from an alarmingly low 1.0-1.5 to something approximating the District average of 2.27.

The District has adopted a Comprehensive School Improvement Program (CSIP) in order to implement the reconstitution process, which, it estimates, will require three years to evaluate fully. Twelve schools have "graduated" from the reconstitution program, with some improvement in CTBS scores already observable in such schools.

Reconstitution has not been popular among teachers, who often--understandably--resent the implication that they are not performing well. A very recent agreement between the District and the teachers' union providing for individual evaluation of teachers before relocating them may go a long way toward eliminating teacher discontent with the reconstitution process.

In any event, for the first time in 1996 District reading and math CTBS scores were above national averages for comparable schools.

The Grand Jury applauds such efforts, which have improved the general quality of education in the District by focusing on poorly performing units and addressing the special needs of each. However, we also believe that the poorer academic achievement of students in the African-American and Hispanic minorities is in large part attributable to societal factors that a program targeted on school performance can only partially address. When arriving students possess limited English proficiency, come from broken or uninterested homes and have grown up in poverty, schooling, even if beginning at the age of four years and nine months, cannot alone make up for such disadvantages. It is not enough to improve the schools; students must improve as well.

VI. Conclusion

Fourteen years of experience with the Consent Decree have established that while it has met its goal of *de facto* desegregation, it has been a failure at accomplishing its primary purpose of achieving academic excellence for all ethnic groups. Ways must be found to bring poorly achieving individuals and groups to an acceptable level of education at all ages. The Grand Jury therefore offers the following:

FINDINGS AND RECOMMENDATIONS

Education begins at birth. More affluent or educated families generally read to their children, first with picture books, then with words. Many such children read passably well and have large vocabularies by the time they enter kindergarten, particularly if they have also had the advantage of pre-school. There are over 400 private pre-school and day care centers in San Francisco, virtually all of which require some form of tuition. The District itself operates 37 child care centers, though with State funds and subject to a stringent means test.

Findings

- Only historical precedent in the District requires that a child be four years and nine months old before being permitted to enter the public school system. Substantial improvement in academic achievement can be produced by introducing children to education at a much earlier age, particularly in reading readiness and speaking English.
- The first and best education begins with the family. The support, encouragement, example (and occasional prodding) of parents lies behind every successful student. No student can hope to achieve success without this support. Parental involvement in education should become a prime goal of the District.^{12/}
- As the Committee of Experts found in its 1992 report "there is a social and economic crisis of great severity in the inner city and the schools need the support of other basic community institutions in their efforts..."^{13/} The Consent Decree^{14/15/} requires that "The SFUSD shall continue its efforts to encourage and improve participation of parents, students, staff, and community." The Grand Jury finds that insufficient effort has been given to carrying out this Decree.

^{12/} Virtually everyone the Jury interviewed for this project emphasized the importance of parental involvement in encouraging academic achievement at all grade levels. Although the District encourages parental participation in education, it does not appear to have any organized program to stimulate such involvement. At Lowell High School, the parents' organization has more than 1,000 members, whereas in other schools, particularly middle schools, there is no parental organization at all.

^{13/} At one South of Market high school the principal is deeply engaged in such an effort and his "missionaries" contact all civic organizations in the district and encourage them to get acquainted with their neighborhood high school and to support its activities with both time and money.

^{14/} Consent Decree p.18.

^{15/} Consent Decree, p. 29.

- The Consent Decree of 1983 is known to few San Franciscans and understood by even fewer. It is past time that the Decree's fundamental premises were exposed to public view and its postulates re-examined. Expert opinion has found that it has failed in its goal of achieving academic excellence in San Francisco Schools for all students and ethnic groups.

Recommendations

1. The Grand Jury recommends adoption of a program leading to the reduction of the school entering age to two years and nine months, thus extending beginning education in the most formative years by a full two years. This change should occur in the form of a gradual and progressive plan, beginning with a small number of students^{16/} who have full parental consent and cooperation. Careful longitudinal records should be kept of such students' progress so that the success of the program can be monitored.^{17/}

In certain instances the integration of such young students into the school system may require some modification of the Consent Decree's inflexible

^{16/} These children should be toilet trained and able to accept being in a social situation.

^{17/} Such a program should be carried out in full cooperation with Head Start, the federally funded program providing assistance to very young children and their families since 1965. In San Francisco Head Start is administered by the Economic Opportunity Council of San Francisco, which succeeded other groups such as the YWCA, in 1993. Head Start provides a comprehensive program of improvement not only for young children (beginning with pregnant mothers) but also for their families with the goal of having children whose families are on welfare or otherwise qualify by a means test ready for learning at the kindergarten level. (The San Francisco Unified School District could have been the sponsoring agent and administrator of the Head Start program in San Francisco, but apparently chose not to do so when the administrator was changed in 1993.) Unfortunately, due to lack of funding, Head Start cannot supply the kind of program which we here recommend. According to Head Start officials, there are 6,412 eligible children for its program in San Francisco of which only 1,160 are being served at the present time. This amounts to 18% of those eligible, leaving 82 percent unserved by any city program.

mandate for desegregation because busing would not be feasible. A partial return of neighborhood type schools where parent can be at hand and participatory should be considered.

2. Parents should be held accountable for the children's education, and should be strongly urged and induced in every possible way to devote a certain number of hours a month to fulfilling the commitment which being a parent carries with it. Suitable inducements need to be devised to produce this result, and in the case of optional enrollment schools, can be a contract requisite to admission.^{18/}

Teacher-parent cooperation is critical to our recommendation; since many parents can come to school only in the evenings, some evening scheduling of teacher time would be required.

3. The Grand Jury recommends that the District establish a Department of Community Relations to assist the schools in developing outreach programs in each of their districts to identify community and civic organizations and businesses which may be expected to assist the schools in practical and personal ways in order that each school may develop a sense of community identity in its locality.

4. The Grand Jury recommends that the Mayor, in conjunction with the District,

^{18/} For example, most schools, at least above the elementary level, have laboratories where parents could study computer skills in the early evening. (Probably the best teachers of these skills are high school students!). Again, parents could be induced or encouraged to sign a "contract" agreeing to devote a certain number of hours to school activities. Every parent, regardless of income, can contribute something, be it painting walls, monitoring study halls, or otherwise donating time as needed.

appoint a Committee of Concerned Citizens/(Adults Worried About Kids Education (AWAKE))/ to study and conduct public hearings on the condition of education in the public schools with particular emphasis on making whatever changes in the Consent Decree which may be required to achieve its original goal of offering the finest education to every student which any city can provide.

REQUESTED RESPONSES

Mayor

San Francisco Unified School District

Board of Supervisors

Board of Education

City Attorney

JUVENILE JUSTICE SYSTEM

Report of the
1996-1997 San Francisco Civil Grand Jury

JUVENILE JUSTICE SYSTEM

SUMMARY

The 1996-1997 Civil Grand Jury (CGJ) investigated the administration of juvenile justice in the City and County of San Francisco. The Juvenile Probation Department (JPD) is primarily responsible for the administration of the juvenile justice system under the direction and supervision of the Juvenile Probation Commission (JPC), the Juvenile Justice Commission (JJC), and the Superior Court. The CGJ found:

- The JPD and other City agencies and departments with responsibility are not adequately serving the City or our youth, primarily aged 14 to 17, who are involved with the juvenile justice system;
- The Youth Guidance Center (YGC) is unsafe;
- Educational and other programs for incarcerated youth and young people upon release from the juvenile justice system are insufficient;
- The responsible city officials and departments are not fulfilling their own stated goals and missions, and are not providing the housing, education, and rehabilitative programs necessary to assist the youth in overcoming their problems and in regaining the potential to be productive and law-abiding citizens in our community.

There are very serious problems with the City's juvenile justice system, some of which can and must be fixed immediately. They cannot wait while the larger problems facing the system are being addressed and solved. For many years, including as recently as the spring of 1997, the City's juvenile justice system has been the subject of numerous reports and studies by various City agencies, previous grand juries, community-based organizations, and expert consultants. Many factions and constituencies -- both inside City government and in our community -- hold totally divergent views on how the

juvenile justice system should treat youthful offenders. The public argument has often been rancorous; the needs of troubled youth have been lost in the debate. The youth -- and all citizens in our community -- have suffered because of an absence of a committed policy and strong leadership on the part of the adults with responsibility for the juvenile justice system.

In conducting its investigation, the CGJ encountered many dedicated and hardworking individuals -- employed by the City and involved in our community -- trying to help children in the juvenile justice system. The CGJ applauds the efforts of all who, in good faith, seek to improve the lot of troubled children when they run afoul of the law. However, while plans are discussed and debated and proposals and counter-proposals are made, generations of young people grow up and become adults without receiving the care and attention needed to rehabilitate them. The CGJ urges all groups in the City to put aside their differences -- or at least the rhetoric and distrust which often accompany those differences -- and work together to solve the problems of the juvenile justice system so that more children are not lost.

The CGJ recognizes that it takes time to make fundamental changes such as those advocated by many in City government and in our community. It will take a number of years to implement the changes contemplated in the grant recently awarded to the Delancey Street Foundation. Three years in the life of the City is a blink of an eye. Three years in the lives of those adult government officials and concerned citizens involved with the juvenile justice system is not a long time. But three years in the life of a teenager is a very long and formative period which can dictate his or her entire future. The City cannot afford to do nothing in the short run while making and implementing plans for the long run. In this report, the CGJ recommends improvements in the juvenile justice system which can and should be undertaken

immediately to try to save some of the youth whose futures will otherwise be lost while long-term plans are being made and put into place.

Procedure

In its investigation, the CGJ toured the Youth Guidance Center facility where the youth are housed, the administrative and court areas of the YGC, the offices of the San Francisco Unified School District at the YGC, Log Cabin Ranch, and Hidden Valley Ranch. The CGJ also interviewed numerous current and former officials, employees, and members of the JPD, JPC, JJC, the Superior Court, the Department of Public Health, the San Francisco Unified School District, representatives of constituencies in our community, incarcerated youth, and others. The CGJ also obtained documents from various sources providing background data and statistics.

Goals and Purpose of the Juvenile Justice System

The JPD is the City department primarily responsible for running the day-to-day functions of the juvenile justice system. The JPD, led by the Chief Probation Officer and guided by the JPC, runs the facilities, employs the probation officers and counselors, coordinates with all other City departments (such as the Department of Public Health and the Unified School District) which provide services for the youth, and interacts with community-based organizations and service providers involved with youth.

The youth involved in the system spend the majority of each day interacting with the JPD. Thus, the JPD must provide through its leadership a vision for the entire juvenile justice system and must implement that vision for our City's youth. The buck stops with the JPD.

The JPD has described its purpose as:

[To] provide for juveniles, accused of conduct subject to the jurisdiction of the court, who require a restricted environment for their own or the community's protection while pending legal action, safe and secure custody, care and discipline as nearly as possible equivalent to that which should have been given by his/her parents. Specifically, [the JPD] shall provide for the juvenile's basic needs, such as shelter, food, clothing, and health care. [The JPD] shall also provide a safe, secure, humane environment where the juvenile's physical, emotional, religious, educational, treatment and social needs are taken care of.¹

The JPD has stated its philosophy and mission as:

Our management philosophy is based on a belief in positive change. Consequently, our Department promotes the belief that youth should be offered every opportunity for rehabilitation and growth. We endeavor to provide the youth in our charge with the tools to succeed by teaching life skills and providing educational, vocational, and emotional support.

The Mission of the San Francisco Juvenile Probation Department is two-fold: To provide for the welfare of youthful offenders and children at risk, and to enhance public safety under the directions of the Juvenile Court and California law. To this end, the Department locates or develops and administers programs for the assessment, education, treatment, appropriate rehabilitation, and effective supervision of youth under the

¹ Memorandum of Understanding between San Francisco Department of Public Health/Special Programs for Youth and San Francisco Juvenile Probation Department, September 1996.

jurisdiction of the Department.²

Although the JPC was formed following adoption of Proposition L in 1989,³ the JPC has informed the CGJ that it has no mission statement or any writing formally setting forth its goals and objectives.

The JJC was created by the Legislature. Its duties are described in part as follows:

It shall be the duty of a juvenile justice commission to inquire into the administration of the juvenile court law in the county or region in which the commission serves. For this purpose the commission shall have access to all publicly administered institutions authorized or whose use is authorized by this chapter situated in the county or region, shall inspect such institutions not less frequently than once a year, and may hold hearings. A judge of the juvenile court shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of papers at hearings of the commission.⁴

Findings and Recommendations

I. Youth Guidance Center Facility

The YGC, located at 375 Woodside Avenue, is the institution which houses up to 132 youths. Some of the youth at the YGC have not been accused of any crime, but are incarcerated at the YGC because their homes are unsafe or because they have no

² Juvenile Probation Department, 1995 Annual Report.

³ San Francisco Charter, sec. 7.102.

⁴ Welfare & Institutions Code § 229.

homes or anywhere else to go. Most of the youth housed at the YGC are detained there prior to the time that their cases are adjudicated and before they are found to be wards of the juvenile court as a result of the crimes of which they have been accused.⁵ Very few of the youth at the YGC have been adjudicated to have committed a crime. A youth may be held at the YGC for just a few days, for many months, or even longer than a year.

The YGC consists of six units to house the up to 132 youth who may be incarcerated there at any particular time. These units are kept locked by JPD counselors. Each of the units contains several dozen individual cells, each of which houses a single youth.

The counselors are on duty in each of the units to maintain order. There are generally 25 counselors on duty during the day shift, 26 counselors on duty during the night shift, and 12 counselors on duty during the graveyard shift.

The youth spend much of each day in the units and outside their locked individual cells; however, there are times in the day and of course at night when the youth are locked in their individual cells. The doors on each of these individual cells are solid, and each of them is locked from the outside with a key. There is no central locking and unlocking mechanism. There is no sprinkler system. There are no smoke detectors inside the individual cells where the youth sleep and spend part of their day. The smoke detectors are in the hallways, outside the solid doors of each individual cell.

⁵ Youth under the age of 18 are not found guilty of crimes. "Any person who is under the age of 18 years when he violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court." Welfare and Institutions Code § 602.

Findings

- In its current condition, the YGC serves no constructive purpose other than providing four walls and a roof and counselors, who spend much of their time as guards to maintain order.
- The physical facility at the YGC is unfit to house our City's children. This facility would be unacceptable in any jurisdiction, but it is particularly shameful in a community such as San Francisco which prides itself on being progressive and humane.
- The YGC does not come close to meeting the JPD's own stated purpose of providing "a safe, secure, humane environment where the juvenile's physical, emotional, religious, educational, treatment and social needs are taken care of."
- The CGJ notes that, for many years, various City officials and others have complained about the conditions at County Jail No. 3 in San Bruno, which houses adult prisoners after they are found guilty of crimes and are sentenced by the court. In contrast, the YGC houses minors, some of whom have not been charged with any crimes and almost none of whom have been adjudicated to have committed any criminal activity. There has been and continues to be much outcry that County Jail No. 3 should be replaced with a more modern facility. The physical conditions at the YGC are in many respects worse than those at County Jail No. 3.
- The YGC is unsafe:
 - There is no central locking and unlocking mechanisms to control the individual cells;
 - There is no sprinkler system operative in the individual cells;
 - There are not smoke detectors inside the individual cells.

In the event of a fire or major emergency, it is highly likely that some youth could be trapped in their cells, as the counselors may not be able to reach each individual cell to unlock them and let the youth out. In the event of a fire or major emergency, there would be a catastrophic and unnecessary loss of the lives of young people.⁶

- The physical plant at the YGC is dark, dreary, and depressing. The atmosphere is so oppressive that it has a negative impact on the emotional state of youth and staff.

Recommendations

1. The City should renovate a City property for use as a youth guidance center, purchase a building for use as a youth guidance center, or build a new youth guidance center.

A new youth guidance center should take priority over acquisition or construction of any other City facility.

2. The Mayor, each member of the Board of Supervisors, and the Judges of the Superior Court should tour the YGC at once to observe the conditions for themselves.
3. The City should invite all interested television stations, radio stations, and print media to tour and film the YGC so that the public can be made aware of the

⁶ The YGC does not meet current fire safety codes and could not be built today without much improved life safety systems. (Uniform Building Code, as amended by the State of California and the City and County of San Francisco; Uniform Fire Code, as amended by the State of California and the City and County of San Francisco.) The fact that the YGC has been granted "grandfather" status so that it need not meet current code should not prevent the City from adopting the Grand Jury's Recommendations as set forth in this report.

conditions at the YGC.

4. The CGJ recognizes that a new youth guidance center cannot be acquired or built immediately. However, since the present situation is unacceptable, the CGJ recommends that the City immediately expedite measures to improve the health, safety, and welfare of our incarcerated youth at the YGC, particularly in response to fire safety issues. Some possible remedies are:

- a) Purchase and install a central locking/unlocking mechanism for each individual cell.
- b) Install smoke detectors in each cell so that counselors in the central area of each unit will be able to detect a fire breaking out in an individual cell.
- c) Install a sprinkler system in the hallways, common areas, and each individual cell.
- d) Given the fire safety hazard, increase the number of counselors in each locked unit so that the doors on each of the individual cells can remain unlocked at all times for safety purposes.

Each of these remedies comes with a cost, either for equipment or personnel or both. This additional cost is worthwhile when compared to the carnage that would result from a major fire or emergency where the youth could not be evacuated from their cells. The City cannot maintain the status quo while debating whether to acquire or build a new facility or during the construction or acquisition process of a new facility.

5. The interior of the YGC should be painted at once, in appropriate colors, in order to make the facility less dreary.

II. Housing for Girls

Boys at the YGC are housed in five separate units, taking into account their age, the

severity of alleged offenses, and other factors to protect the younger and more vulnerable boys. However, there are insufficient facilities to separate the girls, pre-adjudication, in a similar manner. Girls of all ages and regardless of the severity of the alleged crimes are housed together in a single unit. The impact is, for example, that a naive thirteen-year-old girl accused of a minor offense lives with a relatively sophisticated seventeen-year-old girl accused of a much more serious crime.

Currently, most of the girls who are court-ordered to serve time in a facility are sent out of the Bay Area, sometimes as far away as Colorado and Pennsylvania.

Findings

- There is insufficient housing for girls at the YGC.
- The City owns Hidden Valley Ranch near La Honda in San Mateo County. This facility is currently unused, except for a few minor functions by Log Cabin Ranch, and is well suited to housing girls who currently reside at the YGC. While the facility requires some relatively minor maintenance and updating, it could be made ready to house the girls in short order.

Recommendations

6. The JPD must immediately find a location to properly house the girls involved with the juvenile justice system.
7. The CGJ recommends that Hidden Valley Ranch be made into a facility to house girls in the juvenile justice system.
8. The CGJ recommends that the JPD investigate a possible arrangement with the surrounding counties to house those counties' girls at Hidden Valley Ranch thereby sharing the expense.
9. The CGJ recommends that the JPD investigate the possibility of using Hidden

Valley Ranch to house not only those girls held pre-adjudication, but also those girls whose cases have been adjudicated. Housing these girls closer to home would encourage more family involvement, save the expense of housing the girls in distant locations, save travel costs of JPD personnel to travel to these sites, and provide more opportunity for community groups in reintroducing the girls to the community after release.

III. Care of Youth While in Custody of Juvenile Probation Department And After Release

To rehabilitate youth in its custody, the JPD should have sufficient programs to retain the young people's attention all of their waking hours. Such programs as do exist are haphazard and far from comprehensive.

Once youths are released from the juvenile justice system, the Probation Officers maintain some contact with them. There are some procedures in place (for example, a Memorandum of Understanding between the JPD and the Department of Public Health relating to health care needs of youth being released from custody), but there are few comprehensive, coordinated programs to follow youths back into the community and provide them with necessary and basic human services. Frequently, the youth are simply dispatched back into the communities they came from with insufficient guidance in how to further their education, find and keep a job, obtain health care and life skills, and reintegrate into our community.

Findings

- There are insufficient programs in place to assist the youth in the custody of the juvenile justice system.
- There are insufficient programs in place to follow up with youth once they are

released from the juvenile justice system.

Recommendations

10. In accordance with its stated philosophy to “promote[] the belief that youth should be offered every opportunity for rehabilitation and growth... [and] endeavor to provide the youth in our charge with the tools to succeed by teaching life skills and providing educational, vocational and emotional support,” the Juvenile Probation Department -- coordinating with other responsible City departments and agencies, with community groups and, wherever possible, with the families of the youth -- should formulate effective programs to care for youth both while in custody and after release.
11. While the youth are incarcerated under the control of the City, programs should be instituted (or, where they currently exist, expanded), to provide them with training and counseling in at least the following areas:
 - a. Drug counseling, including peer counseling;
 - b. Sex education and family issues;
 - c. Practical life skills;
 - d. Appropriate educational programs, including vocational training or GED where appropriate;
 - e. Skills in how to find and keep a job.
12. An “after-care” program must be adopted for youth when they are released from the juvenile justice system that encompasses at least the following concerns:
 - a. Returning to school or entering alternative programs to complete his or her

education.

- b. Counseling and job training;
- c. Finding and keeping a job, either after school or full-time;
- d. Emotional health and life skills;
- e. Parenting skills where necessary;
- f. Drug counseling where necessary;
- g. Family and peer interaction.

13. The JPD must diligently and regularly monitor all of these activities and programs -- both while the youth are in custody and after release -- and develop objective criteria to determine whether the programs are succeeding and, if not, to replace them with better programs.

IV. Grant Money

Funds are available through state and federal grants, grants from public and private foundations and trusts, and other sources for various programs designed to help youth at risk who become involved in the juvenile justice system.

Finding

- The City has no regular mechanism or system for applying for state and federal grants, grants from public and private foundations or trusts, and other sources for programs designed to help youth at risk or who may be involved in the juvenile justice system.

Recommendation

14. The CGJ recommends that the JPD hire or retain, on a full-time basis, an individual with background and training in development and fund raising, and

particularly with skills in the search and application for grants.

V. Grievance Procedure

If a youth incarcerated at the YGC or Log Cabin Ranch has a complaint or grievance, he or she turns in a complaint form which is reviewed by the supervising counselors who may be the very persons about whom the youth may have a complaint or grievance.

Findings

- There is no procedure by which an independent person reviews the complaints and grievances.
- The grievance procedure for the youth incarcerated within the juvenile justice system is such that the youth express concern over possible retaliation. The CGJ uncovered no evidence that any child was subject to retaliation for making a grievance. However, that potential may be sufficient to prevent a youth from filing a grievance, even though he or she may have a legitimate complaint.

Recommendation

15. The CGJ recommends the appointment of an ombudsperson to whom youth can turn with confidence to express grievances. We do not view this individual as an advocate for the youth, but rather a neutral party who can report the grievance to the appropriate party and then follow up to ensure it is resolved.

VI. Coordination of Activities Among Responsible Departments, Commissions, and Agencies

The City's juvenile justice system is governed by two bodies. The JJC, whose members are appointed by the Superior Court, is mandated by Welfare and Institutions

Code § 229 “to inquire into the administration of the juvenile court law in the county or region in which the commission serves. For this purpose the commission shall have access to all publicly administered institutions authorized or whose use is authorized by this chapter situated in the county or region, shall inspect such institutions no less frequently than once a year, and may hold hearings.” The JPC is a creature of the City Charter whose members are appointed by the Mayor. Although, as indicated above, it has no mission statement, the CGJ presumes that the JPC sees its roles as similar to that of the JJC.

There are numerous City departments, commissions, and agencies which have obligations to youth involved in the criminal justice system, including the JPD, the JPC, the JJC, the Superior Court, the San Francisco Unified School District, the Department of Public Health, the Police Department, the District Attorney, and the Public Defender. Some of the departments are run by commissions. Others report directly to the Mayor. Still others are run by elected public officials. The JPC is appointed by the Mayor, whereas the JJC is appointed by the Superior Court. Each of these departments, commissions, and agencies has its own vertical management hierarchy.

Findings

- The CGJ found that the JJC and the JPC have little, if any, contact with one another.
- While various departments sometimes cooperate in providing services for youth in the juvenile justice system, there is no formal horizontal communication between these departments, commissions, and the courts to ensure the protection of the interests of the youth.

Recommendations

16. The CGJ urges the JJC and the JPC to coordinate their activities, to pool their collective talents, and to work together toward the common goal of assisting youth at risk in our City.
17. The CGJ recommends that, since the JPD, under the guidance of the Chief Probation Officer, has the overall responsibility for the operation of the juvenile justice system, it must provide strong leadership, vision, and professionalism. The CGJ recommends that the JPD exercise its responsibilities with greater strength and vigor, using the “bully pulpit” when necessary to coordinate the services provided by various City departments and community-based organizations for the benefit of the City’s youth.
18. The CGJ recommends that the JPD fulfill its mission statement and coordinate the activities of all of the departments that have any responsibility for youth involved in the juvenile justice system. There must be a strong leader appointed with authority to coordinate the activities of all departments having obligations to provide services for our City’s youth.

VII. Education of Youth In The Juvenile Justice System

The San Francisco Unified School District is responsible for educating juveniles in the custody of the JPD.

Finding

- The San Francisco Unified School District does an inadequate job of educating youth incarcerated at the YGC and Log Cabin Ranch. The School District does not sufficiently assess the academic status of the youth who enter the juvenile

justice system. The School District does not adequately consider the educational needs of the students involved with the juvenile justice system. There is inadequate transition out of the system. The JPD does not coordinate the education of the youth in its charge with other programs impacting the young people during their incarceration. While young people have a great deal of free time at the YGC and at Log Cabin Ranch, they are not assigned much, if any, homework and their access to reading materials is limited.

Recommendations

19. The CGJ recommends that the San Francisco Unified School District, in coordination with the JPD, adopt an educational program such as that recommended by Jefferson Associates and Community Research Associates in March 1987 entitled "Creating a New Agenda for the Care and Treatment of San Francisco's Youthful Offenders: A Model Program." This education program would contain the following components:
 - a. Functional assessment;
 - b. Functional curriculum;
 - c. Vocational education;
 - d. Transition;
 - e. Comprehensive systems;
 - f. Training of correctional educators.⁷
20. The CGJ recommends that the San Francisco Unified School District and the JPD make a commitment to use the time during which youthful offenders are incarcerated for an appropriate educational program to improve their chances

⁷ Appendix A of Jefferson Report.

in life after release.

VII. Contracts With Outside Service Providers

The JPD has entered into contracts with outside service providers and community-based organizations which provide, for a fee, services which would otherwise be provided by the JPD. The City spent \$1,219,035 in fiscal year 1996-1997 in payments to these service providers and community-based organizations; the budget in fiscal year 1997-98 is \$1,279,990. The City has been paying a number of these groups for six years or longer.

Findings

- Despite the millions of dollars paid to service providers and community-based organizations, the JPD is unable to determine whether the youth who receive these services have benefitted significantly.
- The JPD makes an insufficient effort to evaluate these service providers or to compare the services provided by the service providers with one another or by similar services provided by the JPD itself. The JPD does not regularly monitor these services to ensure that the contracted services are actually being provided, that the quality is as warranted, and that contractual obligations to the JPD and the youth are fulfilled.

Recommendations

21. The JPD should comprehensively evaluate and monitor each service provider and community-based organization before issuing a new Request for Proposal.
22. The JPD should develop objective criteria for monitoring and evaluating the services of these providers.

23. The JPD should appoint a person as a contract administrator who shall regularly monitor and evaluate the programs provided by service providers and community-based organizations to ensure that the services are actually being provided, that the quality is as contracted, and that their obligations to the JPD and the youth are fulfilled. This person should provide a written report on a pre-assigned periodic basis to the Chief Probation Officer regarding these services as well as their effectiveness in accomplishing their goals. This report should be a public record protected by the City's Sunshine Ordinance.

IX. Additional Training For Counselors

The job description for the counselors at the YGC is as follows:

The Counselor, Juvenile Hall is responsible for the care, custody, safety and welfare of juveniles detained at Juvenile Hall. The counselor observes behavior and conduct of residents in an assigned living unit; prepares and maintains records and reports such as incident reports, behavior reports and individual case reports; conducts on-going individual and group counseling sessions with juveniles; plans, directs and supervises leisure time activities; supervises residents en route to, from and at various locations; confers with departmental personnel and representatives of outside agencies.....⁸

The CGJ asked repeatedly to see the manual or set of guidelines used by the JPD to train the counselors and outline their responsibilities and the JPD's expectations for their services. No such material was ever forthcoming, causing the CGJ to conclude that the JPD does not have an adequate manual or set of guidelines describing

⁸ Employment Opportunity Description for Counselor, Juvenile Hall (Classification 8320).

counselors' duties.

Findings

- The youth at the YGC and Log Cabin Ranch spend more time with the counselors than with any other adults. Thus, the role of the counselor is critical.
- While the counselors receive the minimal training required by state law, they do not receive adequate training in guiding troubled adolescents, the very persons with whom they work.

Recommendations

24. The JPD should institute an ongoing formal training program for counselors beyond that required by state law, with a written manual or set of guidelines outlining their responsibilities and the expectations of the JPD for services provided by the counselors.

REQUESTED RESPONSES

Mayor

Board of Supervisors

Juvenile Probation Department

Juvenile Probation Commission

Juvenile Justice Commission

San Francisco Unified School District

Superior Court

Department of Public Health

Police Department

REQUESTED RESPONSES (CONTINUED)

District Attorney

Public Defender

SAN FRANCISCO BRANCH LIBRARIES

AND

PUBLIC SCHOOL LIBRARIES

Report of the
1996-1997 San Francisco Civil Grand Jury

SAN FRANCISCO BRANCH LIBRARIES AND PUBLIC SCHOOL LIBRARIES

SUMMARY

The 1996-1997 Civil Grand Jury investigated the operation of the branch libraries within the City and County of San Francisco. Propositions A in 1988, and E in 1995, mandated a library system that would offer convenient access to quality facilities and services. The Jury's findings indicate that the branches have suffered under an administration which placed the opening of the new Main Library above the day-to-day operations of the branches. Due to well-publicized budget problems in the system as a whole, the branches continue to operate with outdated technology, minimal staffing and old furnishings. Much-needed renovations and retrofits at both large and small branches are years from realization.

In addition, the Grand Jury investigated the relationship between the branch libraries and neighboring public schools. The Grand Jury believes that these two systems must act together to educate and inspire the children and youth of the City. The San Francisco Public Library (SFPL) and San Francisco Unified School District (SFUSD) are not communicating effectively, and, as a result, are not making the best possible use of limited resources. Furthermore, the SFUSD does not adequately staff or fund the libraries within its schools, and consequently, has unduly burdened the Public Library system.

PROCEDURE

In preparing this report, the Civil Grand Jury visited a sampling of branch libraries throughout the City. The Jury examined the general operations and conditions of the

branches, paying particular attention to children's services. The Grand Jury also examined numerous documents supplied both by the SFPL and the SFUSD. Interviews were held with staff at the SFPL, SFUSD, and a number of other City agencies.

BACKGROUND

In recent years, the voters of San Francisco have passed two propositions that directly affect funding of the SFPL: Proposition A "Library Bonds" in 1988 and Proposition E: "Library Fund" in 1995. Proposition A authorized the City to borrow \$109,500,000 by issuing general obligation bonds. This money was to be used for the construction of a main public library and reconstruction of branch libraries. With the passage of Proposition E, the voters made an ongoing commitment to the library system by guaranteeing minimum funding levels for the next fifteen years. The proposition sets funding minimums for libraries of approximately \$34 million per year. It does this through a combination of funding guarantees from the City's general fund and a reallocation of property tax revenues. According to the text of Proposition E, "...increasing library hours throughout the system and acquiring books and materials shall receive priority in appropriating and expending fund monies."¹ The Proposition further states, "...the library department shall operate no fewer than 26 branch libraries..."

The SFPL system consists of the new Main Library and twenty-six branches located throughout the city. These vary greatly in size, ranging from large "resource" branches

¹ Text of Proposition E, 1995

Hours for the branches were set by Proposition E in 1995 and are due for review in 1999.

Times-open vary by branch and are limited primarily by staffing concerns. Hours during the school day are very limited at all branches.

such as Chinatown, to very small “neighborhood” facilities such as Potrero Hill. The opening of the new Main Library has focused a great deal of attention on that facility, but the branches remain the primary locations for many patrons. Many of the branches house “special collections” that are invaluable resources to the people of San Francisco.

Physical plants at all of the branches visited appeared clean and well maintained. The process of retrofitting buildings for earthquake safety proceeds slowly, with the Mission branch slated for renovation beginning sometime in the coming year. Chinatown, the most heavily used branch, underwent a renovation and reopened in the summer of 1996. Other locations throughout the system are in need of both seismic upgrades and renovations, but funds for further improvements are presently unavailable.

The SFPL has within it a specialized Children’s Services division. It is directed by a Coordinator of Children’s and Youth Services, who is responsible for interagency coordination, a number of outreach programs, and children’s services at both the Main Library and each of the branches. The primary purposes of the outreach programs are to encourage young people to become interested in reading and to increase access for traditionally underserved youngsters throughout the city.

Children’s sections at the branches are staffed by librarians who are specialists in children’s library programming and, at some larger locations, by a number of support personnel. The Children’s Librarians are responsible for the selection and purchase of materials and for maintaining children’s programs at the branch. These programs range from “story-times” for pre-schoolers and their parents, to making computers and homework help available for teenagers.

Communication and Coordination Between SFUSD and the SFPL

Of particular interest to the Grand Jury is the relationship between the branch libraries and the public schools. Children's Librarians are assigned the task of contacting and serving the schools in the vicinity of their branches. These contacts take place sporadically depending upon the availability of resources at the branch and the number of schools, both public and private, in the neighborhood.

Libraries and Librarians within the SFUSD

The public libraries provide a very broad range of children's services. In contrast, the stated purpose of the public school libraries and librarians is narrowly focused. They are responsible for supporting the curriculum of the school. The level of commitment by the SFUSD to its school libraries is of great concern to the Grand Jury. The District's central office commitment is very limited; there is one Program Administrator for Textbooks, Media and Library Services. The administrator is assigned a part-time Resource Librarian who assists those K-5 elementary schools that lack librarians on their staffs. Only four of the seventy-six elementary schools in the SFUSD have qualified, professional school librarians. The remaining seventy-two schools are served by a variety of volunteers, parents and paraprofessionals. This appalling lack of service is due to the School District's decision not to fund librarians on the elementary school level. The Grand Jury commends those school principals who have found creative funding sources for librarians and all those individuals who volunteer their time.

The SFUSD administration allocates a half-time librarian to each middle school. About half of the middle school principals find money elsewhere in their budgets and fund full-time librarians, leaving seven schools with only half-time coverage.

The SFUSD reports that high schools are each allocated a full-time librarian position. Again, some principals find money elsewhere to go beyond the allocation and fund additional half-time or full-time positions. Records provided to the Grand Jury show that some of the smaller and continuation high schools are operating with only half-time library staffing.

San Francisco Unified Schools does not fund librarians in any school during the summer session. This is of concern since summer classes are often remedial in nature, and some branch libraries report surges in classroom teacher requests for library services during the summer months.

Findings

- Usage of children's sections at the branches is heavy and continues to increase, while staffing and budgets remain static or are frozen due to budget problems within the library system as a whole. Up-to-date computers and other technologies are in short supply at the branches.
- The SFUSD has no effective means of facilitating ongoing communication with the SFPL Department of Children's Services. The School District makes no regular contact with librarians at the branches, and has no adequate mechanism for working with the Public Libraries Department of Children's Services despite having a mission statement which has as one of its stated goals "[t]o increase and expand inter-agency collaboration to better serve our students."²

The Grand Jury uncovered problems which can be attributed to this lack of communication and coordination. For example, some assignments given by teachers called for research material unavailable at the branches. In other cases,

² SFUSD Mission Statement, Goal #6.

whole classes were given an assignment on one subject, although the branch had only one or two books on the topic. Children's Librarians at the various branches expressed frustration at their inability to assist their young patrons due to the unrealistic nature of these types of assignments, as well as the lack of prior notification.

- Teachers in the SFUSD are inadequately trained in the use and availability of resources at the neighborhood branches.
- The SFUSD does not adequately fund its libraries and, as a result, has shifted the burden of supporting the public school curriculum to an already strained public library system.
- Because of the overwhelming number of requests by teachers for a very limited number of school-day hours, children's librarians limit the number of visits by each class to its neighborhood branch to one or two per year. The Grand Jury found both anecdotal and statistical evidence that indicated heavy after-school patronage of children's sections. Proposition E allows the Library Commission to increase branch library hours after the year 1999. It requires that public hearings be held and a study of community needs be taken into account.
- The renovation of the Chinatown branch was problematic for a variety of reasons, and cost far more than was originally planned. The original building, like many older San Francisco structures, had manually opening windows and no central air conditioning system. The new structure has only a few windows that open, no air conditioning and inadequate ventilation. Grand Jury members who toured the facility noted the lack of fresh air, and staff members at the library have made similar complaints to supervisors. In addition, on warm days temperatures at the branch can become unbearable. These temperature and ventilation problems are exacerbated in the summer months, precisely when daytime usage by school-age children is heaviest.

- The Mission branch is due for renovation beginning sometime in late 1997 or early 1998. A design similar to that used at the Chinatown branch is planned, and the Grand Jury is concerned that ventilation and temperature problems similar to those encountered at the Chinatown branch may occur. The Grand Jury recognizes the cost effectiveness of installing adequate ventilation and/or air-conditioning systems during initial construction rather than as a retrofit.

Recommendations

1. The SFPL should make no further cuts of either personnel or funds at the branches, and restore all frozen budget items as soon as possible.
2. The SFUSD should appoint a liaison to work with the SFPL's Coordinator of Children's and Youth Services in exploring ways in which the two agencies can collaborate on a regular and ongoing basis for the good of the children and youth of San Francisco.
3. The SFUSD should commit resources to staff development so that teachers can be made aware of the services at the branch libraries. Teacher training or "in-service" days should include a library segment.
4. The SFUSD and SFPL should jointly investigate the possibility of locating multiple computerized SFPL data bases in the schools, to enable school staff and students to access them more easily.
5. The School Board and Superintendent should make a commitment to the school libraries and fund a full-time librarian in each and every public school in the City.
6. The Library Commission should take the earliest opportunity available under Proposition E to ascertain whether present hours make the best use of resources in serving the adults and children of the City.

7. The SFPL should request that the Department of Health, Department of Public Works or other appropriate agencies make the necessary inquiries and tests to ascertain the extent to which health or safety problems exist at the Chinatown branch. Should problems be verified, the SFPL should promptly make the necessary repairs or improvements. In any event, the SFPL should make repairs or improvements to the ventilation system so that patrons and staff can feel comfortable.
8. The SFPL and DPW should undertake a review of the retrofit and renovation plans for the Mission branch in order to avoid problems such as those which are apparent at the Chinatown facility. Renovation plans for other branches should undergo a similar review process.

REQUESTED RESPONSES

Mayor

San Francisco Board of Supervisors

SFUSD Superintendent

SFUSD Board

City Librarian

SFPL Coordinator of Children's and Youth Services

SFPL Chief of Branches

APPENDICES

1. Text and analysis of Proposition E: Library Fund 1995
2. Text and analysis of Proposition A: Library Bond 1988
3. San Francisco Unified School District Mission and Goals

APPENDIX 1

(Text and Analysis of Proposition E: Library Fund 1995)

Library Fund E

PROPOSITION E

Shall the City be required to maintain funding for the Library Department at a level no lower than that for the 1992-93 fiscal year, and to establish a Library Preservation Fund, to be used only for additional library services, by placing a certain amount of property tax revenues in that fund annually, and shall the City be required to keep open a main and 26 branch libraries for a specified minimum number of hours each week?

YES ➡

NO ➡

Analysis by Ballot Simplification Committee

THE WAY IT IS NOW: The amount of money the City spends for public libraries is set each year through the budget process. The City is not required to spend a particular amount of money on libraries. The City does not have to keep open a specific number of branch libraries or to have libraries open a specific number of hours each week.

THE PROPOSAL: Proposition E is a charter amendment. Under Proposition E, for the next 15 years, the City would have to spend at least as much for libraries as it did in fiscal year 1992-93. The City would also have to use a specific percentage of its property tax revenues for a Library Preservation Fund. The Fund could only be used to increase spending for library operation, services and materials.

During the term of the Fund, the Library would have to operate a

main library and at least 26 branch libraries, including a library for the blind.

After public hearings, the Library Commission would set the hours that the main library and each branch are open. From 1995 through 1999, Proposition E specifies the average number of hours libraries must be open per week. After 1999, the Library Commission could change the average number of hours libraries must remain open, after holding public hearings and based on a study of needs and the adequacy of library services.

A "YES" VOTE MEANS: If you vote yes, you want to establish these funding and service requirements for libraries.

A "NO" VOTE MEANS: If you vote no, you do not want to make these changes.

Controller's Statement on "E"

City Controller Edward Harrington has issued the following statement on the fiscal impact of Proposition E:

If the proposed charter amendment is adopted, in my opinion, it would mandate the current level of spending on library services (\$20.8 million) plus reallocate funds (an additional \$13.7 million in 1994-95) from current city services to expand specific library services as set forth in the measure, for a total funding commitment of approximately \$34 million in 1994-95 with escalation factors in future years.

To the extent property tax revenues would be shifted to library programs, other current City spending would have to be curtailed or new revenues found to support these continuing expenditures.

Between 1994-95 and 2009-10, these dedicated funds would grow in two ways: The base \$20.8 million would be increased by the general percentage increase in all City appropriations; the \$13.7 million of additional funding would grow based on the increase in assessed values of City properties.

How "E" Got on the Ballot

On March 11, 1994, the Registrar of Voters certified that the initiative petition, calling for Proposition E to be placed on the ballot, had qualified for the ballot.

42,503 valid signatures were required to place an initiative charter amendment on the ballot. This number is equal to 10% of the registered voters at the time the petition was first filed with the Registrar.

A random check of the signatures submitted on February 23, 1994, by the proponents of the initiative petition showed that more than the required number of signatures were valid.

APPENDIX 1

(Text and Analysis of Proposition E: Library Fund 1995)

TEXT OF PROPOSED CHARTER AMENDMENT PROPOSITION E

To the Board of Supervisors of the City and County of San Francisco:

We, the undersigned, registered and qualified voters of the State of California, residents of the City and County of San Francisco, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of Part 1 of Division 2 of Title 4 of the Government Code, present to the Board of Supervisors this petition and request the following proposed amendment to the charter of this city and county be submitted to the registered and qualified voters of the city and county for their adoption or rejection at an election on a date to be determined by the Board of Supervisors.

The proposed charter amendment reads as follows:

San Francisco Charter Section 6.416 LIBRARY PRESERVATION FUND

(a) There is hereby established a fund for libraries, which shall be called the San Francisco Library Preservation Fund and shall be maintained separate and apart from all other city and county funds and appropriated by annual or supplemental appropriation pursuant to sections 6.205 and 6.306 of this charter. Monies therein shall be expended or used exclusively by the library department specified in section 3.560 of the charter, solely to provide library services and materials and to operate library facilities in accordance with this section.

(b) So long as the Library Preservation Fund exists as provided in this section, the following requirements shall apply:

(1) The library department shall operate no fewer than 26 branch libraries, a main library, and a library facility for the blind (which may be at a branch or main library).

(2) Not later than November 1, 1994, at least one public hearing shall be held at the main and each branch library, which at least one library commissioner shall attend and which shall receive the results of a survey of users' preferences as to the facility's operating hours.

(3) Following these public hearings, effective no later than January 1, 1995, the library commission shall establish service hours for the main and each branch library, which shall not be reduced during the five

years beginning January 1, 1995. Total annual average service hours shall be at least 1028 hours per week (that is, a level approximating the total service hours during fiscal year 1986 - 1987).

(4) The public hearing process specified in subsection (2) shall be repeated at five-year intervals, being completed not later than November 1 of the year in question.

(5) Following these subsequent public hearings, the library commission may modify the individual and aggregate service hours established under subsection (3), for the five-year period beginning January 1, 2000 or January 1, 2005 respectively, based on a comprehensive assessment of needs and the adequacy of library resources.

Increasing library hours throughout the system and acquiring books and materials shall receive priority in appropriating and expending fund monies to the extent the funds are not needed to meet the preceding requirements of this subsection (b). Any requirement of this subsection may be modified to the extent made necessary by a fire, earthquake, or other event which renders compliance with the requirement impracticable.

(c) There is hereby set aside for the San Francisco Library Preservation Fund, from the revenues of the tax levy pursuant to section 6.208 of this charter, revenues in an amount equivalent to an annual tax of two-and-one-half cents (\$0.025) for each one hundred dollars (\$100.00) of assessed valuation for each of the fifteen fiscal years beginning with fiscal year 1994 - 1995. The treasurer shall set aside and maintain said amount, together with any interest earned thereon, in said fund, and any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward to the next fiscal year and, subject to the budgetary and fiscal limitations of the charter, shall be appropriated then or thereafter solely for the purposes specified in this section. Said fund shall be in addition to any other funds set aside for libraries.

(d) The fund shall be used to increase the aggregate City appropriations and expenditures for services, materials and operation of facilities provided by the library department. To this end, the City shall not reduce the amount of City appropriations for the library department

(not including appropriations from the Library Preservation Fund) in any of the fifteen years during which funds are required to be set aside under this section below the amount so appropriated, including appropriations from the San Francisco Children's Fund pursuant to section 6.415 of the charter and including all supplemental appropriations, for the fiscal year 1992-1993, adjusted as provided below. Said base amount shall be adjusted for each fiscal year after 1992-1993 based on calculations consistent from year to year, by the percentage increase or decrease in aggregate City appropriations for all purposes from the base year as estimated by the Controller. Errors in the Controller's estimate of appropriations for a fiscal year shall be corrected by adjustment in the next year's estimate. For purposes of this subsection, (i) aggregate City appropriations shall not include funds granted to the City by private agencies or appropriated by other public agencies and received by the City, and (ii) library department appropriations shall not include funds appropriated to the library department to pay for services of other City departments or agencies, except for departments or agencies for whose services the library department was appropriated funds in fiscal year 1993 - 1994. Within ninety days following the end of each fiscal year through fiscal year 2008 - 2009, the Controller shall calculate and publish the actual amount of City appropriations for the library department.

(e) If any provision of this section, or its application to any person or circumstance, shall be held invalid or unenforceable, the remainder of this section and its applications shall not be affected; every provision of this section is intended to be severable. □

APPENDIX 2

Text and Analysis of Proposition A: Library Bond 1988

Library Bonds A

PROPOSITION A

PUBLIC LIBRARY FACILITIES SYSTEM IMPROVEMENT BONDS, 1988. To incur a bonded indebtedness of \$109,500,000 to pay the cost of additions to and improvement of a main public library and branch libraries of the City and County of San Francisco.

YES ➡

NO ➡

Analysis by Ballot Simplification Committee

THE WAY IT IS NOW: The City operates a library system composed of the main library at the Civic Center and 26 branch libraries. The main library, built in 1917, does not meet present earthquake, fire and safety standards and is too small to hold the current collection. Eight of the branch libraries, built between 1909 and 1921, do not comply with earthquake regulations. Five of the large branches do not have handicapped access.

THE PROPOSAL: Proposition A would authorize the City to borrow \$109,500,000 by issuing general obligation bonds. This money would pay for the construction of a main public library and reconstruction of branch libraries. The

interest and principle on general obligation bonds are paid out of tax revenue. Proposition A would require an increase in property tax.

A "YES" VOTE MEANS: If you vote yes, you want the City to issue general obligation bonds totaling \$109,500,000 for the construction of a main public library and reconstruction of branch libraries.

A "NO" VOTE MEANS: If you vote no, you do not want the City to issue general obligation bonds for the construction of a main public library and reconstruction of branch libraries.

Controller's Statement on "A"

City Controller John C. Farrell has issued the following statement on the fiscal impact of Proposition A:

"Should the proposed bond issue be authorized and when all bonds shall have been issued on a twenty (20) year basis and after consideration of the interest rates related to current municipal bond sales, in my opinion, it is estimated that the approximate costs would be as follows:

Bond redemption	\$109,500,000
Bond interest	<u>79,332,750</u>
Debt service requirements	<u>\$188,832,750</u>

Based on a single bond sale and level redemption schedules, the average annual debt requirement for twenty (20) years would be approximately \$9,441,637 which amount is equivalent to two and sixty-seven hundredths cents (\$0.0267) in the current tax rate."

How Supervisors Voted on "A"

On July 25, the Board of Supervisors voted 9-0 on the question of placing Proposition A on the ballot.

The Supervisors voted as follows:

YES: Supervisors Harry Britt, Jim Gonzalez, Thomas Hsieh, Willie Kennedy, Bill Maher, John Molinari, Wendy Nelder, Carol Ruth Silver, and Nancy Walker.

NO: None of the Supervisors present voted no.

APPENDIX 2

Text and Analysis of Proposition A: Library Bond 1988

ORDINANCE AUTHORIZING BOND ELECTION PROPOSITION A

CALLING AND PROVIDING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY AND COUNTY OF SAN FRANCISCO ON TUESDAY, NOVEMBER 8, 1988 FOR THE PURPOSE OF SUBMITTING TO THE VOTERS OF THE CITY AND COUNTY OF SAN FRANCISCO A PROPOSITION TO INCUR THE FOLLOWING BONDED DEBTS OF THE CITY AND COUNTY FOR THE ACQUISITION, CONSTRUCTION, OR COMPLETION BY THE CITY AND COUNTY OF SAN FRANCISCO OF THE FOLLOWING MUNICIPAL IMPROVEMENTS, TO WIT: \$109,500,000 FOR ADDITIONS TO AND IMPROVEMENT OF THE PUBLIC LIBRARY AND BRANCH LIBRARIES OF THE CITY AND COUNTY OF SAN FRANCISCO; AND THAT THE ESTIMATED COST TO THE CITY AND COUNTY OF SAID MUNICIPAL IMPROVEMENTS IS AND WILL BE TOO GREAT TO BE PAID OUT OF THE ORDINARY ANNUAL INCOME AND REVENUE OF THE CITY AND COUNTY AND WILL REQUIRE EXPENDITURES GREATER THAN THE AMOUNTS ALLOWED THEREFOR BY THE ANNUAL TAX LEVY; RECITING THE ESTIMATED COSTS OF SUCH MUNICIPAL IMPROVEMENTS; FIXING THE DATE OF THE ELECTION AND THE MANNER OF HOLDING SUCH ELECTION AND THE PROCEDURE FOR VOTING FOR OR AGAINST THE PROPOSITIONS; FIXING THE MAXIMUM RATE OF INTEREST ON SAID BONDS AND PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY BOTH PRINCIPAL AND INTEREST THEREOF; PRESCRIBING NOTICE TO BE GIVEN OF SUCH ELECTION; CONSOLIDATING THE SPECIAL ELECTION WITH THE GENERAL ELECTION; AND PROVIDING THAT THE ELECTION PRECINCTS, VOTING PLACES AND OFFICERS FOR ELECTION SHALL BE THE SAME AS FOR SUCH GENERAL ELECTION.

Be it ordained by the People of the City and County of San Francisco:

Section 1. A special election is hereby called and ordered to be held in the City and County of San Francisco on Tuesday, the 8th day of November 1988 for the purpose of submitting to the electors of said city and county a proposition to incur bonded indebtedness of the City and County of San Francisco for the acquisition,

construction, or completion of the city and county of the hereinafter described municipal improvements in the amounts and for the purposes stated:

PUBLIC LIBRARY FACILITIES SYSTEM IMPROVEMENT BONDS, 1988. \$109,500,000 in addition to pay the cost of additions to and improvement of a main public library and branch libraries of the City and County of San Francisco, including the acquisition, construction and reconstruction of public library facilities and all other works, property and structures necessary or convenient for such improvement and additions to the public library system of the City and County of San Francisco.

Section 2. The estimated costs of the municipal improvements described in Section 1 hereof were fixed by the Board of Supervisors by the following resolution and in the amount specified:

Public Library Facilities System Improvement Bonds, Resolution No. 545-88, \$109,500,000.

The said resolution was passed by two-thirds or more of the Board of Supervisors and approved by the Mayor, and in said resolution it was recited and found that the sums of money specified were too great to be paid out of the ordinary annual income and revenue of the city and county in addition to the other annual expenses thereof or other funds derived from taxes levied for those purposes and will require expenditures greater than the amounts allowed therefor by the annual tax levy.

The method and manner of payment of the estimated costs of the municipal improvements described herein are by the issuance of bonds of the City and County of San Francisco in the principle amounts not to exceed the principal amounts specified.

Said estimates of cost as set forth in said resolution are hereby adopted and determined to be the estimated costs of said improvements.

Section 3. The special election hereby called and ordered to be held shall be held and conducted and the votes thereat received and canvassed, and the returns thereof, made and the results thereof ascertained, determined and declared as herein provided and in all particulars not herein recited said election shall be held according to the laws of the State of California and the Charter of the City and County of San Francisco providing for and governing elections in the City and County of San Francisco, and the polls for such election shall be and remain open during the time required by said laws.

Section 4. The said special election hereby called shall be and hereby is consolidated with the General Election of

the City and County of San Francisco to be held Tuesday, November 8, 1988, and the voting precincts, polling places and officers of election for said General Election be and the same are hereby adopted, established, designated and named, respectively, as the voting precincts, polling places and officers of election for such special election hereby called and as specifically set forth, in the official publication, by the Registrar of Voters of precincts, polling places and election officers for the said General Election.

The ballots to be used at said special election shall be the ballots to be used at said General Election and reference is hereby made to the notice of election setting forth the voting precincts, polling places and officers of election by the Registrar of Voters for the General Election to be published in the San Francisco Progress on or no later than October 31, 1988.

Section 5. On the ballots to be used at such special election and on the punch card ballots used at said special election, in addition to any other matter required by law to be printed thereon, shall appear thereon the following, to be separately stated, and appear upon the ballot as a separate proposition:

"PUBLIC LIBRARY FACILITIES SYSTEM IMPROVEMENT BONDS, 1988. To incur a bonded indebtedness of \$109,500,000 for the construction of a main public library and reconstruction of branch libraries of the City and County of San Francisco."

Each voter to vote for any of said propositions hereby submitted and in favor of the issuance of the Bonds, shall stamp a cross (X) in the blank space opposite the word "YES" on the ballot to the right of said proposition, and to vote against said proposition and against the issuance of the Bonds shall stamp a cross (X) in the blank space opposite the word "NO" on the ballot to the right of said proposition. On absent voters ballots, the cross (X) may be marked with pen or pencil.

If and to the extent that punch card ballot cards are used at said special election, each voter to vote for any said proposition shall punch the ballot card in the hole after the word "YES" to the right of said proposition, and to vote against said proposition shall punch the ballot card in the hole after the word "NO" to the right of said proposition.

Section 6. If at such special election it shall appear that two-thirds of all the voters voting on the proposition voted in favor of and authorized the incurring of a bonded indebtedness for the purposes set forth in said proposition, then such proposition shall

APPENDIX 2

Text and Analysis of Proposition A: Library Bond 1988

have been accepted by the electors, and bonds shall be issued to defray the cost of the municipal improvements described herein.

Such bonds shall be of the form and character known as "serials," and shall bear interest at a rate not to exceed 12 per centum per annum, payable semiannually, provided, that interest for the first year after the date of any of said bonds may be payable at or before the end of that year.

The votes cast for and against each of said respective proposition shall be counted separately and when two-thirds of the qualified electors, voting on such proposition, vote in favor thereof, such proposition shall be deemed adopted.

Section 7. For the purpose of paying the principal and interest on said bonds, the

Board of Supervisors shall, at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect annually each year until such bonds are paid, or until there is a sum in the Treasury of said city and county set apart for that purpose to meet all sums coming due for the principal and interest on said bonds, a tax sufficient to pay the annual interest on such bonds as the same becomes due and also such part of the principal thereof as shall become due before the proceeds of a tax levied at the time for making the next general tax levy can be made available for the payment of such principal.

Section 8. This ordinance shall be published once a day for at least seven (7) days in the San Francisco Examiner, a

newspaper published daily in the City and County of San Francisco, being the official newspaper of said city and county and such publication shall constitute notice of said election and no other notice of the election hereby called need be given.

Section 9. The appropriate officers, employees, representatives and agents of the City and County of San Francisco are hereby authorized and directed to do everything necessary or desirable to the calling and holding of said special election, and to otherwise carry out the provisions of this ordinance.

APPROVED AS TO FORM:

LOUISE H. RENNE By: Robert A. Kenealey
City Attorney Deputy City Attorney

APPENDIX 3

San Francisco Unified School District Mission and Goals

The mission of the San Francisco Unified School District is to provide each student with an equal opportunity to succeed by promoting intellectual growth, creativity, self discipline, cultural and linguistic sensitivity, democratic responsibility, economic competence and physical and mental health so that each student can achieve to his or her maximum ability.

To achieve this mission, the Board of Education has adopted the following goals: 1) To improve teaching and learning to enhance the academic achievement of all students; 2) To improve staff, parent and community participation in the education process; 3) To maintain school environments that are safe, secure and attractive; 4) To build a school environment that is fully integrated in all its programs and activities and provides equal opportunity for all students; 5) To improve and expand the Early Childhood Education Program and integrate it into the K-12 Program; and 6) To increase and expand inter-agency collaboration to better serve our students.

For each goal there are a number of measurable objectives. Every school has developed a school site plan to achieve each objective and identified their individual school priorities: 1) To improve teaching and learning to enhance student achievement; to provide necessary support for LEP students; 2) To decrease student absences and tardies and improve in-class attendance; 3) To be fully integrated in all programs and activities, thus providing equal opportunity for all students; 4) To improve all students' scores on the CTBS, proficiency and college preparatory tests/examinations; 5) To improve staff, parent and community communication and participation in the education process.

In order to achieve these objectives, the Board has adopted the following set of philosophical tenets:

- | | | |
|-----------------------------------|-----------------------------------|----------------------------------|
| * All individuals can learn. | can be used as a focus for | and should take appropriate |
| * All individuals are both | teaching. | remedial action. |
| potential learners and | * All individuals should learn to | * All individuals learn in many |
| potential teachers. | live and work in a world that | different ways and at varying |
| * All individuals want to learn | is characterized by | rates. |
| and to be recognized for their | interdependence and cultural | * Each individual learns best in |
| achievements. | diversity. | a particular way. |
| * All individuals are entitled to | * Learning has both cognitive | * Parents want their children to |
| be treated with respect and | and affective dimensions. | attain their fullest potential |
| dignity. | * If individuals do not learn, | as learners and to succeed |
| * Learning can be subdivided | then those assigned to be their | academically. |
| into a number of specific, | teachers should accept re- | |
| concrete competencies that | sponsibility for this failure | |

**THE HIRING PROCESS
IN THE
CITY AND COUNTY OF SAN FRANCISCO**

Report of the
1996-1997 San Francisco Civil Grand Jury

THE NEW YORK PUBLIC LIBRARY

ASTOR LENOX TILDEN FOUNDATION

1009 AVENUE OF THE AMERICAS, NEW YORK, N. Y.

1911

THE NEW YORK PUBLIC LIBRARY

THE HIRING PROCESS IN THE CITY AND COUNTY OF SAN FRANCISCO

INTRODUCTION

The City's hiring system is needlessly complex, wasting both time and energy. The extended process required to fill positions impedes the work of City departments in providing necessary services to the general public and frustrates many qualified job candidates, who then decide to look elsewhere for employment.

Nearly twenty years ago, a former Director of City Planning described the City's hiring system as:

...incredibly cumbersome and did nothing to attract top people. The time between the announcement of an opening and appearance of a final list of those who passed was so long that most qualified applicants were likely to have found and taken other positions long before San Francisco concluded its process. The best people were gone.¹

The problems still exist, but the need for solutions has become even more urgent now under pressure from budget cuts and high expectations from a well-informed public. Job requirements are changing due to technological innovations, organizational changes and new ways of conducting business. The lack of a labor relations strategic plan to address citywide collective bargaining heightens the need to review the hiring process. City departments are poorly served by the current inefficient and archaic hiring system.

¹Jacob, Allan B., "Running the San Francisco City Planning Department." Ed. Rosabeth Moss Kanter & Barry A. Stein, Life in Organizations. New York: Basic Books, Inc., 1979.

The 1996-1997 Civil Grand Jury investigated whether recent voter-mandated charter amendments, intended to remove barriers and modernize the hiring process, have met the voters' objectives.

LEGAL AND ADMINISTRATIVE REQUIREMENTS

The City's recruitment and hiring process is governed by applicable federal and state laws, charter provisions, Civil Service Commission (CSC) rules, court decisions and consent decrees. These are implemented by City departments through CSC and Department of Human Resources (DHR) policies and procedures.

Proposition C, passed in November 1991, transferred most hiring and examination issues from the Charter to CSC. Prior to that time the voters had to approve all changes, including qualification and examination of applicants, protests on written questions and answers, protests of tentative lists of eligibles, duration of eligible lists, limited tenure, and temporary and emergency appointments. These former charter provisions consisting of detailed personnel rules are now CSC rules that can be updated by the CSC, subject to public hearing and requirements to "meet and confer"² with the unions representing City employees. CSC now has wide-ranging authority to establish employment policies.

Proposition D, also passed in November 1991, allows hiring consideration of all applicants with the same high score on a civil service list. Prior to this, only three of the candidates with the highest scores could be considered for each vacant position. This amendment also authorizes CSC to adopt rules allowing expansion of the pool of

² "Meet and confer" is a labor term for the process of making and exchanging proposals in an attempt to reach agreement.

qualified applicants from which departments can make a selection.

In November 1993, San Francisco voters passed Proposition L, which established the DHR, making it responsible for the day-to-day administration of all personnel matters. CSC continues to be an appeals and policy-making board that oversees and regulates the City's merit system as described below. Under the newly created DHR, the City, for the first time, has various personnel functions consolidated into one central agency. These include labor relations, health and safety, and Workers' Compensation.

Proposition F, also passed in November 1993, and its predecessor, Proposition B, passed in November 1991, allowed collective bargaining on wages, hours and a wide range of personnel issues. These propositions also affected the hiring process.

PROCEDURE

The Civil Grand Jury investigated the role of CSC and DHR in the hiring process. It also reviewed both the negotiation process and the administration of union agreements since they affect most work-related issues, including hiring.

The Civil Grand Jury's investigation consisted of interviews with City staff, analysis of reports and public documents and discussions with staff from both other governmental agencies and the private sector. (See Appendix A)

To increase the Civil Grand Jury's understanding of both specific problem areas and suggestions for improvements, a representative sample of comments was gathered from personnel staff in City departments. (See Appendix B)

The Civil Grand Jury asked several federal agencies how they had streamlined their

hiring process to see if their current practices might provide instructive guidelines for the City.

SUMMARY OF MAJOR RECOMMENDATIONS

The Civil Grand Jury's recommendations include those the City has unilateral authority to implement and those that require cooperation of the unions. All of these recommendations are intended to facilitate the reform of personnel administration begun with the charter amendments initiated by the City during the 1990s.

Major recommendations the City could effectuate without union involvement:

1. DHR should continue to delegate recruitment and selection activities to major departments, retaining policy and oversight authority.
2. DHR should develop generic tests for comparable office and clerk jobs, such as clerks, secretaries, computer specialists and accountants.
3. CSC and DHR should streamline the open job application appeals process.
4. The City should develop a blueprint for future labor contracts to take into account the changing needs of the workforce and to provide uniform treatment of employees in similar occupational groupings.
5. The City should establish a separate budget for the development, implementation and operation of a citywide personnel information system that can support labor contract negotiations and personnel policy administration.

Major recommendations which would require union cooperation:

1. CSC has proposed rules to accelerate the hiring process. DHR should meet and confer with the unions as soon as possible to implement these rules.
2. The City should work with the unions to reduce the number of collective bargaining agreements.
3. DHR should develop uniform work rules in contracts with similar occupational groupings of employees to provide consistent treatment and to streamline contract administration.
4. "Coalition bargaining" for similar occupational groupings of employees should be pursued wherever possible. The City and the unions have already used this approach in some instances. Coalition bargaining will provide uniform work rules as well as reduce costs of bargaining and contract administration.

BACKGROUND

Civil Service Commission

Proposition L, passed in November 1993, terminated CSC oversight of the City's Personnel Department and most City and County personnel matters. CSC continues to administer the merit system through its rule-making, appellate and inquiry powers. Day-to-day personnel operations now reside with DHR, the successor to the Personnel Department. CSC, in its new role, has a small staff of six that provides it with administrative and clerical support, makes rules, conducts hearings related to merit system issues, hears appeals to actions of the Director of Human Resources and conducts Unfair Labor Practice (ULP) investigations. With its authority to set rules, CSC plays a major role in the City's hiring process.

Findings

- A top priority of both CSC and DHR is to address the City's complex and unwieldy position classification system. In 1991, the City had over 2,000 occupation classes, many of which were duplicative, outdated or obsolete. In 1992, an effort to reduce this number resulted in elimination of almost 400 classes.

Currently, CSC's Coordinating Working Group, which consists of Commissioners, senior CSC staff and senior managers of the DHR, is continuing the task of reducing the more than 1,500 classes to fewer than 1,000. By consolidating classes and eliminating redundancy, the City will be able to reduce the number of examinations required for City jobs.

- The process of reducing classes is slowed considerably by the need to meet and confer with employee organizations, including unions. It is especially complex if a permanent employee holds a job in a class being considered for elimination.
- CSC has promulgated numerous rule changes which could affect hiring practices. These changes now await DHR action with the City's unions.

Recommendation

1. CSC and DHR should identify and prioritize those changes that can speed the hiring process through CSC's rule-making authority, since a charter amendment has removed previous restrictions on CSC to act independently.

Department of Human Resources

The new DHR administers personnel functions for the City's approximately 27,000 employees, who work in 60 departments and include non-teaching employees in the San Francisco Unified School District and Community College District. Personnel costs constitute about 70% of the City's budget. DHR is headed by a director with a staff of approximately 200, who administer not only employment functions but also labor relations, health and safety mandates and the City's Workers' Compensation program.

Findings

- Staff members at all levels are committed, knowledgeable and want to bring about permanent and long-range improvements in the system. Because City management has not clearly assessed the roles and responsibilities of this new department (DHR), the staff spend much time doing things the same old wasteful way instead of devoting their time and energy to organizing, planning and analysis.
- The charter amendments, which dramatically altered the City's personnel system, came "too much, too soon," and put enormous pressure on DHR staff. While DHR was aggregating workers and functions from other City departments to form the nucleus of the department, it also had to grapple with expansion of citywide collective bargaining, which added a major workload. Further charter revisions on collective bargaining increased the burden on the still developing department.
- A new personnel computer system, established at considerable time and expense, had failed and left the City without any easily retrievable or reliable

personnel data. This failure came just when staff was involved with the complex task of establishing a new department.

- The City has not yet adequately staffed DHR to enable it to modernize its archaic personnel system. City officials failed to recognize the staffing level necessary to create a new, improved department. They assumed DHR would require less staff when, in fact, it needed more. The creation of DHR did not lessen the amount of routine work required in the hiring process. As a result of the City's miscalculations, staff had very little time to devote to modernizing efforts.

Prior to the establishment of DHR, a staff of 49 handled classification and examination functions. DHR now has only 30, a reduction of 39% in staffing without any corresponding decrease in workloads. Since DHR does not have any current data on staff utilization, staffing needs or potential efficiencies cannot be accurately assessed.

- DHR performs most of the functions of the hiring process, such as recruitment, examination, and certification. Some of these nominally centralized functions are delegated to departments that have the staff and expertise to do their own hiring. The specific delegation of hiring authority to these departments is outlined in Memoranda of Understanding (MOU).
- DHR does not have the computer systems capability to retrieve personnel data. The most glaring deficiency is the lack of a central repository for personnel information, which is currently scattered throughout City departments. Accessing data requires contacting individual departments, the Controller's

office, the Retirement System and the DHR's limited systems.

- DHR staff does its best in responding to the needs of City departments and has prepared some written personnel guidelines. However, many City departments remain unclear on DHR's role and responsibilities. They are also unaware of the range of the work DHR is planning or has already undertaken, though these personnel decisions affect their operations. As a result, there is a perception that DHR itself is a major obstacle in the hiring process. This criticism could be minimized if other department heads were aware of the many complex legal requirements that DHR must comply with during the job analysis, recruitment, examination and selection process.

To obtain a computer-generated list of eligible candidates for hiring purposes is often difficult.

Recommendations

2. In consultation with CSC, DHR should delegate recruitment and hiring authority to individual departments, the staffs of which are likely to be more familiar with their own job requirements. Some departments, such as the Port of San Francisco, already have such agreements with DHR. Departments to which this authority is delegated should have personnel analysts who are well trained in all phases of employment activities. DHR should maintain oversight responsibility and monitor these delegated functions to ensure proper compliance with policies and procedures. By removing a processing layer, DHR could then concentrate on formulating policy, planning and analysis with the long-range goal of modernizing the City's personnel functions.

Comment: The federal Office of Personnel Management (OPM) has delegated

most hiring authority to each federal agency. OPM retains recruitment and examination authority for only a few positions and permits agencies to develop their own qualification standards and examinations on all other positions. The OPM performs on-site audits and will revoke hiring authority if it finds non-compliance.

3. The City should allocate additional staff to DHR to support its 1993 charter amendment promise: "After 90 years, San Francisco needs to enter the 1990s with a modern personnel operation. This means greater efficiency, lower costs, and accountability for administrators." The creation of DHR was necessary and commendable, but the current system could hardly be called more efficient and could be more costly to the City in the future than the previous one.
4. DHR should focus on both short- and long-range planning. Routine day-to-day work must be streamlined to allow time for planning. It should establish and coordinate personnel goals with other City departments.
5. HR should hold periodic meetings with City departments to share information about hiring problems and successes. Some departments appear to be more successful in overcoming hiring and recruitment barriers. Some may be willing to contribute staff to work on projects that will benefit not only their own departments but contribute directly to the City as a whole. Ideally, DHR should act as a clearinghouse of ideas on successful hiring practices.
6. DHR should prepare a simple handbook to detail roles and responsibilities in the hiring process. Some departments are trying to perform personnel functions in which they have insufficient expertise or training. Others do not have a full

understanding of the various steps in the hiring process.

The Hiring Process

Types of Positions:

With certain exceptions specified in the charter, City positions are obtained by merit through competitive examinations, usually administered by the DHR. This is known as the merit system.

With the exception of exempt and provisional employees, full-time and part-time employees are selected through the regular merit system process. They are granted all rights and protection provided by the City's Civil Service System.

A provisional appointment is a hiring expedient which permits an individual to be hired temporarily based on less stringent qualification standards. This usually occurs because an official test has not been developed, an examination has not been scheduled or potential appointees on existing eligible lists have indicated no interest in temporary employment. Provisional appointments are comparable to regular competitive appointments in every respect except the appointees have not taken the official tests for the positions. At a future date, these employees must either pass the official examination and be competitively eligible for selection or their employment will have to be terminated.

An exempt appointment is non-competitive. The charter designates these positions and allows the mayor, the Board of Supervisors or department heads to fill these openings.

Filling a job vacancy or vacancies in a job classification consists of several steps. In

collaboration with the department that has the vacancy, DHR staff members will fill the job as follows: (See Appendix C and D)

- Job Analysis - analyze job requirements, including duties, tasks, and responsibilities. This analysis is required for every examination to ensure that the testing is job-related.
- Recruitment - announce the vacancy(ies) and seek qualified applicants.
- Examinations - prepare and administer a written, performance or oral test or a combination thereof. For some job vacancies where exams have previously been given, there may be existing eligible lists.
- Eligible list - rank the candidates who have met the minimum qualifications and other criteria and who could be considered for employment.
- Certification - send the list of eligible candidates to the department selection official and notices to the eligible job candidates.
- Appointment - hire the successful applicant. The head of the department where the vacancy exists makes the selection.

When a vacancy occurs in a department, a requisition is prepared by the department, routed through the Mayor's Office, then to the Controller's Office, and finally to DHR for review and processing. At any step along this clearance process, the requisition could be held up or returned to the department for additional work or information.

The Mayor's Office reviews the requisition to determine the need for the position, particularly during a hiring freeze or budget crunch. The Controller's Office checks for availability of funds within the department's budget. DHR is the workhorse that performs the mechanics of filling the job. Its staff performs the job analysis, determines the proper classification, announces the vacancy, administers the testing and processes the paperwork for the successful candidate.

Findings

- The City's classification and examination processes are complex and confusing. They are a nightmare to administer and cause inordinate delays in the hiring process. The vast number of classifications means numerous examinations must be administered.
- The examination process is particularly time-consuming since many of the existing "off-the-shelf" exams are not job-related. They are outdated or inadequate since job duties and requirements change rapidly for many positions. The City needs to develop more tests that are customized. The process requires expertise in so many areas that DHR must rely on help outside the department. The examination process can take months as job duties must first be analyzed to determine specific task requirements. Then a test must be developed before the job can even be announced.
- The construction of job-related examinations is time-consuming and arduous. Since examinations have not been developed for a number of positions, the City has overused provisional hiring to expedite filling jobs. However, once a job is filled provisionally, there is a tendency to postpone exams, often for many years, sometimes indefinitely. The number of provisional employees has

become excessive.

As of April, 1996 the number of provisional employees had swollen to 2,844, more than 10 percent of the City workforce. The duration of provisional status ranged from less than six months to more than 10 years. By occupation, the Municipal Railway had the highest number of employees in provisional status, 165 Transit Operators. Particularly startling is the high number--over 100--of clerical/secretary positions filled by provisional appointment. Since clerical duties are common throughout public and private industry, there should be no need for that many provisional appointments; tests should be fairly well standardized and readily available. The Board of Education alone had 70 provisional clerical employees.

Under the new Charter passed in November, 1995, effective 7/1/96, provisional appointments for classified positions where no eligible list exists cannot exceed three years. The Board of Supervisors must approve any extension. The DHR must certify that the department was unable to conduct examinations for these positions for reasons beyond its control. The loss of a personnel database because of the unsuccessful migration to a new computer system has materially slowed the efforts of the DHR to meet the charter deadline.

- The paper review of job applications to determine qualifications is time consuming. Applications must be screened for minimum qualifications before an examination is administered. Sometimes, over 1,000 applications are received for just one vacancy. As a result of the Job Fair held in January, 1997, which attracted over 30,000 job-seekers, many City departments have been inundated with applications and inquiries.

- Several departments have complained about the delay in the certification process. The DHR experienced a computer breakdown that lasted from July 1995 to December 1996. This mishap prevented the generation of a list of eligible candidates, immobilized or delayed the hiring process and created an 18-month backlog.
- The City has an elaborate and lengthy examination appeals process and there are no limits on what can be protested. Job applicants can appeal on virtually any grounds, from an application being called poorly prepared to disagreement over an exam's format. Appeals are first heard by the DHR. Adverse decisions can be appealed to the CSC. These protests take time as does the required hearing at each step in the process. In most instances the job vacancy cannot be filled while an appeal is pending. This can sometimes last for as long as two months.
- Most of the processes discussed above--classification, examination, appeals--are subject to meet and confer obligations or other union involvement.

Recommendations

7. DHR should review the examination process for the purpose of developing testing that is more generic. It may not be necessary to develop individual tests for many occupations. Generic tests would allow job applicants to become eligible for City jobs with similar requirements by taking a single examination rather than multiple exams.

Comment: Few occupations in the federal government require written

examinations. The elements used to determine qualifications and ranking include education, experience and other knowledge, skills, and ability (KSA) factors that are based on individual job requirements.

The federal Office of Personnel Management (OPM) requires a written examination only for clerical jobs. It fills entry-level positions in a wide range of administrative, technical and professional occupations without requiring a written examination. The process used is called Administrative Career With America (ACWA). ACWA has been tested and validated. Since it replaced a written test that was successfully challenged in a lawsuit, it also had to receive court approval.

8. DHR should both monitor and limit the use of provisional hiring and establish realistic time frames for its duration. Provisional status is not fair to the department, which may lose a trained and valued employee, or to the employee, who risks losing a job.
9. The CSC and DHR should review the appeals process and determine how it can be streamlined without compromising due process. In some situations, it may be feasible to build in specific remedies for a successful appeal while allowing a job to be filled without delay.
10. The Mayor's Office should consider allowing some requisitions for positions that have received prior budget approval to bypass further review. Budgetary control for these positions could be monitored at the controller's clearance point and through the automated financial system (ON-LINE FAMIS). The Mayor's Office could then concentrate its attention on positions where an in-depth

review of continuing need is most critical.

11. The CSC and DHR should use technology to simplify the hiring process. (This area is discussed in more detail below under Information Technology.)

Collective Bargaining

Federal statutes, the California Labor Code, the City Charter, and the Employee Relations Ordinance govern labor relations in the City.

Recent charter amendments (described above) greatly enlarged the number of personnel areas subject to collective bargaining. The City's unusually large number of employee organization units and contracts makes administering these charter amendments particularly complex. The City has over 100 bargaining units and sub-units, and 58 contracts with unions covering these units. The number of units continues to grow, with four more added in just this past year. Los Angeles County, with a workforce almost three times larger than of San Francisco's, has fewer than 20 units.

The labor relations function resides with DHR's Employee Relations Division (ERD). The City Attorney's office acts as legal advisor in the collective bargaining process. It reviews and approves the legal aspects of contracts and ensures that matters reserved to the CSC, such as examination and appointments, are not included. The City Attorney's office also represents the City in both interest and grievance arbitration proceedings.

Staff members of ERD and various City departments form the City's negotiating team. As in the past, the City contracts with private labor attorneys to lead some of the

negotiations. The rationale is that this is a more cost-effective approach for a cyclical workload. The cost of outside consultants for FY 1996-97 is projected to be between \$500,000 and \$600,000.

The Civil Grand Jury reviewed collective bargaining with City representatives to determine their view of its current and future impact on the hiring process.

The Grand Jury did not interview union representatives. It acknowledges the essential and vital role of the City's employee organizations in representing the interests of their members.

Findings

- Collective bargaining is not new in the City, but the scope and complexity of labor relations administration have increased dramatically with the passage of Propositions B and F.
- The City does not have a vision and has not formulated a broad strategic labor relations plan to chart its future course. Such a plan would help attract and retain essential employees and improve working conditions and other benefits.
- The large number of collective bargaining agreements which, in some cases, have only minor substantive differences, imposes a significant administrative burden on the City's management staff. Department managers must often be familiar with several different contracts that cover employees in their department.
- The large number of variances in contract provisions also creates inequities in

the treatment of employees who perform the same or similar work, or have the same skills, but receive different compensation because they are subject to different contracts. For example, employees working side by side may have differing numbers of paid holidays or rates for overtime.

- The ERD, with a staff of fewer than 10 involved in labor relations, is charged with representing the City's interests in negotiating and administering 58 contracts in a multitude of personnel areas. Prior to Propositions B and F, the Mayor's Office had a staff of seven dedicated to a less complex labor relations system.
- Staffing in the ERD is decidedly inadequate to perform the analysis and data-gathering activities to prepare for negotiations and to administer existing contract provisions. Both processes are extremely labor intensive. The ERD staff must perform substantive contract analysis and formulate fact-based strategy and negotiating proposals. Contract administration includes many areas requiring meeting and conferring with the unions. Staff research is often required to ensure consistency in interpreting and applying the provisions in the 58 City contracts. In addition to the DHR, all major departments have people involved in contract administration.
- The lack of consistency in applying CSC rules to employees represented by different unions may lengthen the process for filling job vacancies. For example, some vacancies require union agreement on the number of candidates the department may consider.
- Since salary, benefits and working conditions are governed by 58 different

contracts, a job applicant exploring City employment will need to research the provisions of applicable labor contracts rather than a single City personnel policy of basic working conditions.

- Forty rules changes promulgated by the CSC and referred to the DHR for a determination of meet and confer obligations have not been acted on because DHR had neither the resources nor sufficient expertise to address the wide range of issues in these rules changes. The delays ranged from 12 to 18 months.
- The City has neither easily retrievable nor reliable data to cost-out various options for use in the bargaining process. It does not have a reliable personnel system that provides accurate data to determine total compensation for existing employees such as base salary, overtime, leave, medical and dental benefits and pensions. The lack of comprehensive data prevents the City from making meaningful comparisons to formulate its bargaining positions.
- The ERD and the unions, in some instances, have used coalition bargaining, a process in which the unions bargain as a single body over common issues. Coalition bargaining minimizes repetitive bargaining, contract inconsistency and loss of time and money to the City.

Recommendations

12. The City should pursue long-term strategic planning, as is done in the private sector, on what kind of compensation package would best serve the employees and the City. This information should be shared with the City's unions and other employee organizations.

13. The City should immediately increase the staffing level of ERD. This will improve the ability of ERD to successfully implement Propositions B and F, which promise "a fair, impartial and fiscally responsible way to determine wages, health benefits and working conditions for City employees."
14. The City, in collaboration with its unions, should initiate a study on the impact of collective bargaining on the City's resources and its future. The study should identify ways to streamline the process of labor relations to ensure equitable treatment of City employees and to provide for ease in administration.
15. The City should initiate discussions with the unions in order to determine whether certain working conditions and benefits of employment should be uniform in all contracts. They might, for example, want to consider that vacation, sick leave, leaves of absence, retirement, Workers' Compensation, holidays, and premium pay differentials for the same work should be uniform. These elements are examples and are not intended to be an all-inclusive listing of such working conditions and benefits of employment which should be covered by uniform provisions throughout the numerous employer contracts.
16. The City should pursue a long-term goal of encouraging employee organizations to merge their bargaining units.
17. The CSC and DHR should identify areas that are fundamental to the merit system, and ensure that candidates for City jobs will be treated uniformly in a fair and equitable manner in the labor relations process.

Information Technology

The City's dismal lack of a centralized, comprehensive and accurate Human Resources System is not a new issue.

In 1995, the Controller's Office engaged an independent consultant, KPMG Peat Marwick, to conduct a citywide study on information technology. A report issued in June, 1996 listed a Human Resources System as one of three highest-priority projects.

Former Mayor Jordan in his "Seven-Year Strategic Budget Plan," presented in 1995, highlighted a need for a citywide Human Resources Information System. The Plan projected that such a system could save the City approximately \$5.2 million for the FY 1996/97, with a potential savings of \$17 million over three years.

The 1995-96 San Francisco Grand Jury conducted a comprehensive study of information technology and found that the City had failed to craft a citywide master plan for information technology. The report presented a number of recommendations to the City on instituting the necessary changes to correct current deficiencies and modernizing its computer systems.

Findings

- In general, CSC and DHR have made admirable progress in moving forward with rules changes, staff training and consensus building with the City's departments. However, due to past shortsightedness in not embracing technology as a necessary tool, the City has not achieved the efficiencies of a well-functioning automated personnel system. The hiring process continues to be primarily a massive paper operation consuming limited resources and causing inevitable delays.

- The need for a modern computer system has been in the "talking" stage for several years. It has not moved forward to any degree because of the City's failure to follow talk with action and invest the necessary resources, time and expense in this effort.

In the words of one City management employee, the City's internal computer systems are "worse than awful." There are databases that do not agree with each other in such important employee information as time-in-service, when hired, when moved, address, and ethnic designation. The potential for fraud and abuse exists.

- The DHR is still in the process of establishing a citywide personnel information system. An earlier attempt was not successful and the DHR is forced to start from square one. Currently, important decisions are being made without reliable data.

Recently, the Controller's Information Systems Division (ISD), working with DHR, prepared a project proposal for a Human Resources System, but much remains to be done.

- In 1996, the City centralized all technology-related functions under a newly created department, Telecommunication and Information Services (TIS). A department head has not yet been appointed; the Controller is serving as acting head.

- Many resource-intensive processes, such as requisition tracking, application screening and examination preparation, could be done faster and more accurately through an automated system.
- The Civil Grand Jury surveyed a number of federal agencies and one private business to review their use of technology to simplify work.
 - OPM, the agency responsible for the 2 1/2 million-person federal workforce, has made great strides in automating a number of recruitment and hiring functions. Driven by government-wide downsizing, the agency used technology to achieve increased efficiencies while reducing cost. By automating the hiring and application screening process, OPM was able to cut its manual operation between one-third and one-half. (See Appendix E)

OPM will sell its services to other government agencies and to private industry. Customers have included governments of California, Michigan, New Jersey, and Colorado, the District of Columbia and Portland, Oregon.

- The Department of the Interior (DOI) has a dual payroll and personnel processing system and provides computer services for a number of federal agencies.

The Social Security Administration (SSA) in the Western states has had hiring requisitions electronically initiated and processed for more than five years. In 1997, SSA nationwide will convert to the DOI system. DOI's customer roll of 60,000 employees will then grow to 125,000.

- The Department of the Navy has an automated classification system that performs many functions of a personnel staffing specialist. It can produce written position descriptions and determine job classification and ranking levels. The system is menu driven and requires only input of the critical job elements.
- Chevron, as is true of most large corporations, has a computerized employee personnel file that is linked up with payroll.

Recommendations

18. The City should set aside a separate budget allocation strictly for technology to accelerate the development and implementation of an automated personnel system. The current archaic system has been a serious drain on the City's time and resources. Personnel services affect the delivery of services in all of the departments, and funds invested in a personnel system will benefit the City well into the next century.
19. The DHR in conjunction with the Controller's office should link up payroll with the personnel system during the design period. An interface between these two major functions would lessen the opportunity for fraud and abuse.
20. The DHR should contact or visit other governmental agencies or private companies which have automated personnel systems to determine if hardware or software could be shared. It could also learn from their problems and successes.
21. Similarly, the Mayor's Office and the Board of Supervisors should conduct on-site visits to organizations that have used and applied technology successfully.

This experience would aid them in deliberations on budget decisions involving information technology.

REQUESTED RESPONSES

Office of the Mayor

Board of Supervisors

Civil Service Commission

Department of Human Resources

Office of the Controller

Office of the City Attorney

Office of Telecommunication and Information Services (for Information Systems Division)

DIRECTORY - APPENDIX

- A. Civil Grand Jury interviews and reference documents
- B. Comments from City department staff on the hiring process
- C. Description of hiring cycle - City and County of San Francisco
- D. Description of a "Typical" Examination Process
- E. Description of Office of Personnel Management automated systems and services

APPENDIX A

Interviews were conducted with staff from:

- Office of the Mayor
- Department of Human Resources
- Civil Service Commission
- Office of the City Attorney
- Office of the Controller

Documents reviewed:

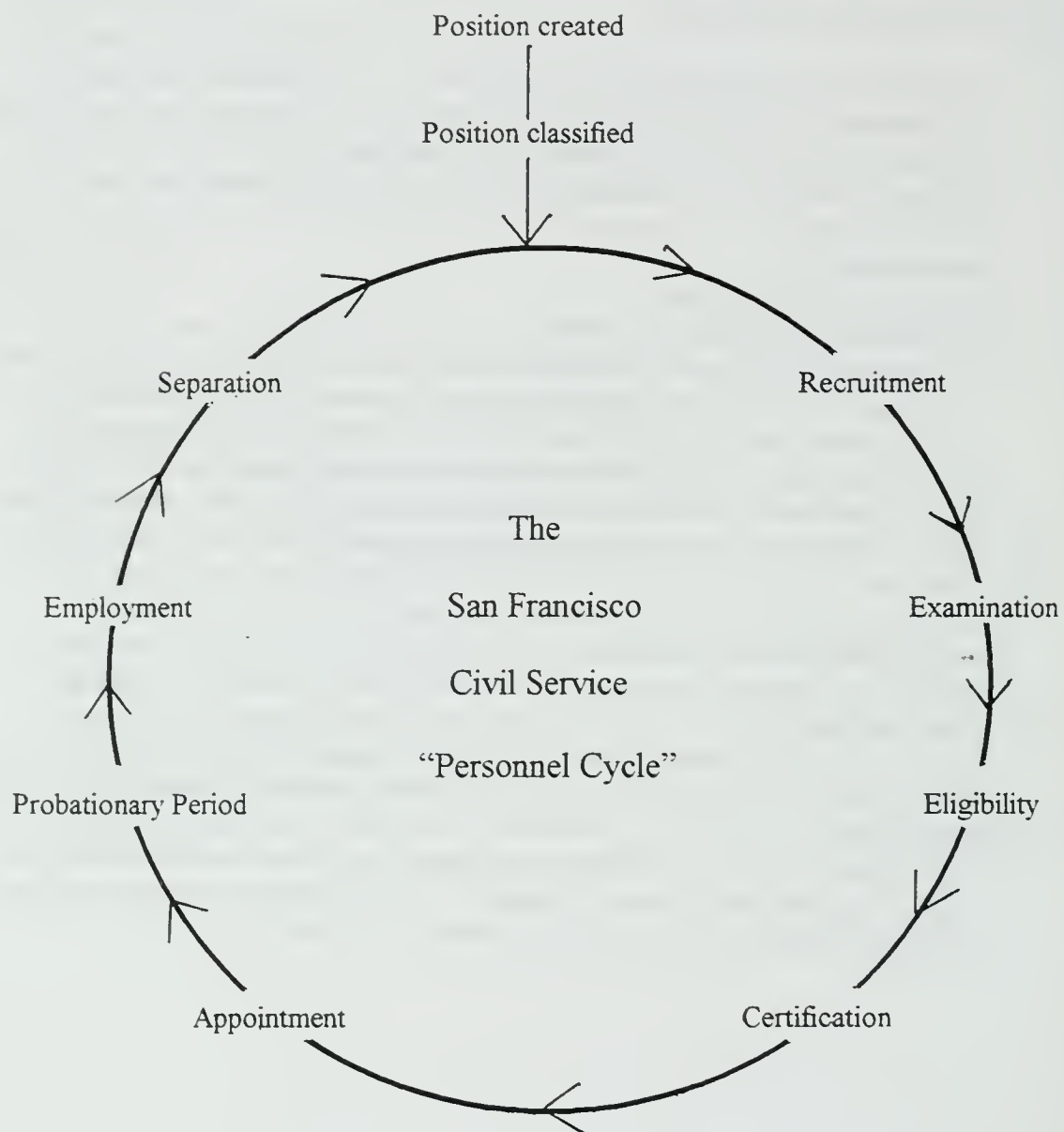
- o Civil Service Commission Rules, City and County of San Francisco, 1996 Edition
- o Annual Report, Civil Service Commission, Fiscal Year 1995-1996
- o Annual Report, Department of Human Resources, 1994-1995
- o Annual Report, Office of the City Attorney, 1996
- o Classification Manual, Department of Human Resources, Jan, 1996
- o Civil Service Merit System, Human Resources, Employee Relations and Related Provisions of the 1996 Charter of the City and County of San Francisco, Jan 8, 1996
- o City and County of San Francisco, Strategic Plan for Information Technology, June 1996, KPMG, Peat Marwick
- o Overview of KPMG - Financial Systems Products (ON-LINE FAMIS), City and County of San Francisco, 7/16/96
- o Seven-Year Strategic Budget Plan - The City and County of San Francisco, Presented by Mayor Frank M. Jordan, 1995
- o Various DHR departmental reports
- o Consultants Setting the Standard for Excellence, U.S. Office of Personnel Management
- o Personnel Selection Process Guide, Chevron Corp.

APPENDIX B

Sample of Comments and Complaints from City Departments on the hiring process (*denotes more than one reference to the issue)

- o Requisitions are held up in the Mayor's Office *
- o No expertise in the departments to handle personnel functions such as salary setting and classification. DHR returns requisitions for reworking.
- o Waiting for certification to determine if there is a list before taking next action.*
- o When a written test is required and DHR thinks one will be given soon, it will tell the department to wait.
- o Too many levels of appeals*
- o Long delays in certification process*
- o It takes time to pull together job experts to develop examinations. If a similar position is common to more than one department, such as an engineer, need to get representation from all the affected departments to reach agreement on the exam.*
- o Clerical positions are the hardest because they do not necessarily have same duties. There used to be more standard tests that one can pull off the shelf. However, now all jobs are changing because of technology, reorganizations, and new ways of doing business.*
- o Collective bargaining requirements are confusing.*
- o Job specifications are outdated.
- o Technology inadequate or missing. Need more information on line.* (This was a universal complaint)
- o DHR does not have enough resources to do what they should be doing.*
- o Things have been improving since 1991 and getting better all the time, but still a long ways to go.
- o Routing and tracking requisitions take time because of clearance layers. Many calls have to be made just to locate the requisition. This information should be on-line.
- o DHR should take more innovative approaches in the hiring process.

APPENDIX C



APPENDIX C

2.0 Background

2.1 Description of Activities & Services

The activities and services provided by the Civil Service Commission Department of Human Resources can be illustrated by using the San Francisco Civil Service "Personnel Cycle" (see the following chart).

Briefly, the "Personnel Cycle" is comprised of:

Position Classification

- a collection of duties is identified as a position that is performed by one person
- the position is reviewed to determine if it can be grouped with other positions under a common descriptive title
- a requisition is issued and approved to fill the vacant position

Recruitment

- examination announcement issued *and/or*
- targeted groups are identified
- community groups and departments are contacted
- response to recruitment effort; applications received

Examination

- selection device developed and administered
- results of administration are analyzed and performance cutoff score is established

Eligible

- individuals who pass performance cutoff score are placed on a list as eligible to interview for the position

Certification

- notice of inquiry is sent to the eligible regarding vacant positions
- notice of certification is sent to departments identifying eligibles who can interview

Appointment.

- successful interviewee is appointed to be employed in the position

Probation

- appointee serves in the position for a specified probationary period

Employment

- employee is compensated in accordance with the salary specifications associated with the particular classification
- employee receives all employment rights governed by the Charter, Civil Service Rules and provisions of the Labor Agreement that exists between the employee

APPENDIX C

organization that represents the classification and the City

Separation

- employee is no longer employed in the position

The Personnel Cycle begins anew when a requisition is issued and approved to fill the vacant position.

The CSC-DHR provides a range of services to both administer and support the personnel cycle. When viewed with a focus on key work processes that occur to produce these services, eight broad groupings can be identified (see Section 4.9 for a presentation of the CSC-DHR Information Flow Architecture).

Note: these groupings of related processes include services that are currently delivered by the Employee Relations Division of the Mayor's Office which will be part of the organizational structure of DHR with the passage of Proposition L. The groupings also include duties that may move with the Civil Service Commission and may not be part of the DHR.

The eight broad groupings are as follows:

Position/requisition related processes - services provided in this area include providing a systematic process for identifying, describing and grouping positions into classifications on the basis of occupational similarity; performing position auditing functions; preparing reports, letters, memoranda and salary ordinance amendment legislation; processing all requisitions and modification of requisitions; and providing consulting services regarding recommendations on staffing of organizational units.

Selection/examination related processes - services provided in this area include responsibility for development and administration of employee selection programs for most City classes. This process involves all phases of selection from job analysis through announcement posting, exam development and administration, and compiling of a list of candidates eligible for certification to permanent appointments.

Certification/appointment related processes - services provided in this area include maintenance and canvassing of Civil Service eligible lists; validating, recording and processing of all appointments, layoffs and separations (both permanent and provisional); and providing consulting services to eligibles and department representatives regarding the status of eligible lists and the availability of requisitions.

Equal Employment Opportunity/Affirmative Action related processes services provided in this area include administering Affirmative Action (AA) programs to increase representation of women and minorities in the City's workforce to reflect the San Francisco available labor market; ensuring an Equal Employment Opportunity (EEO) to all by reviewing exam plans, announcements and provisional appointments; developing and conducting training for managers, supervisors and employees; compiling workforce reports; and

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investigating complaints of discrimination or changes in race/ethnicity claims.

Labor/employee relations and compensation related processes - services provided in this area include administering labor relations agreements; assignment of classes to bargaining units or designation of positions as management, supervisory or confidential; investigation of unfair labor practices charges; implementation of the State Disability Insurance program; monitoring and investigating labor complaints and recommendations for personal services contracts (PSC); administering the pay equity program; reviewing special pay requests; implementing and maintaining the Salary Standardization Ordinance (SSO); performing payroll audit functions; and making salary recommendations.

Management/employee development related processes - services provided in this area include implementation and monitoring of the citywide performance appraisal system, providing training to employees and management, and providing organizational development consulting services to department heads and managers.

Administration/business related processes - services provided in this area include providing administrative services and support to the Civil Service Commission, the Human Resources Director, and DHR divisions; maintaining CSC rules, policies and procedures; providing consulting services regarding CSC rules, policies and procedures and the related provisions of the Charter to employees, employee organization representatives, department managers and general public; processing Civil Service appeals and actions; coordinating the department budget and annual report; processing and monitoring interdepartmental work orders, PSCS, leases, fiscal and purchasing documents; providing payroll and personnel services to CSC/DHR staff; representing the department in meet and confer negotiations with employee organizations; and producing reports on behalf of City departments on provisional appointments, exceptions to the order of layoffs (EOL), holdover rosters and rights, status grants and medical, criminal and/or background rejections.

Employee records maintenance related processes - services provided in this area include evaluating and administering the medical policy; processing requests for fitness for duty, additional employment, disciplinary action, and future employability; processing changes in employment status and transfers; tracking leaves; and maintaining the accuracy and integrity of employee records.

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STEPS INVOLVED IN A "TYPICAL" EXAMINATION PROCESS

The steps involved in developing an examination are the same regardless whether the classification consists of one position or 200 positions. The following provides a description of the steps generally required in developing and administering an examination using an example which involves only a written and oral test component. There are a number of different approaches not illustrated such as performance tests, assessment centers, physical agility testing, etc.

22. Conduct a job analysis of the position. Job analysis is a systematic method used to identify the functions/tasks involved in performing the job and the underlying knowledge, skills, abilities, and other characteristics (KSAs) necessary to perform those job tasks successfully. The job analysis yields information necessary to determine what the minimum qualifications for the position should be and the type of selection procedure required to obtain an adequate sample of candidate behavior relative to the important aspects of the job. The job analysis process may involve desk audits, surveys, interviews with the incumbents in the position and their supervisors; and reviews of job-related materials, work products, etc. A content-oriented strategy is utilized when conducting job analysis and for test development in compliance with the federal "Uniform Guidelines on Employee Selection Procedures".
2. Define the minimum qualifications to ensure candidates will possess requisite KSAs and ensure that there are no artificial barriers which would serve to exclude qualified applicants.
3. Develop recruitment plan based on an analysis of the workforce and relevant labor market. If focused recruitment is necessary, a strategy is devised and implemented. This usually means that the date for filing of applications has been moved forward in order to accommodate the recruitment effort. Recruitment may involve ads in various publications, contact with professional organizations, community-based groups, etc.
4. If the classification is represented by a recognized employee organization, the terms of the announcement are discussed with the relevant union. Although the City is not obligated to meet with the union, specific concerns/issues are solicited prior to posting to anticipate potential delays.
5. The announcement which is the official notice of examination is posted. The terms of the announcement can be appealed within five or seven business days from the issuance date pursuant to CSC Rules 10 and 11.
6. Applications are accepted. Filing period varies. Promotional candidates must be given a minimum of 10 calendar days within which to file.
7. Applications are screened to determine qualified versus not qualified applicants. Some applicants are conditionally qualified pending receipt of additional information. Qualified and rejected candidates are sent written notice notifying them of the status of their application. Applicants may protest their rejection. These protests are responded to and may be appealed to the Civil Service Commission if submitted within 5 days following the

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mailing date of notification to the appellant.

8. Schedule the written examination. This involves identifying and securing physical facilities, hiring test proctors if it is a test which involves a large applicant pool, preparing the test packages (printing, answer sheets, instructions, etc.), and notifying the applicants. This example assumes that the written test is being developed concurrently with all the other previous steps. The written test generally involves writing of test items with subject matter expert (SME) assistance and often requires review by a different set of SMEs to ensure job relatedness.
9. Conduct inspection of the written test answer key. Candidates may be allowed to view the answer key and submit protests as to the correctness of the key pursuant to CSC Rule 11. After protests have been received, candidates are allowed to inspect the protests and to submit counter-protests to the protests. The staff will then review all protests and counter-protests, run an "item analysis" to determine the item total correlations and reliabilities of the test items. The decision of the HR Director is final.
10. Score the written test, establish a cut off score, and notify candidates of their results.
11. Schedule the oral exam and recruit qualified oral board members.
12. Conduct oral exam. Pursuant to CSC Rule 11 Examinations, Article I and Article II, candidate may appeal personal bias or competence of a rater prior to participation in the exam. If the appeal is sustained, the rating by the challenged person is not computed in the final rating of candidate.

Appeals based on the conduct of the raters may be filed no later than the second business day after the exam is held and must be based on a claim of bias, malfeasance or misfeasance of board members; documented inconsistencies or any questions in conflict with any Federal, State or City and County laws.
13. Compute the oral test scores. Conduct analysis of variance if multiple oral boards were used to determine whether scores need to be standardized according to accepted statistical procedure. Standardize if necessary.
14. There is a two day inspection period of composite ratings for oral examinations. Appeals filed during this period are limited to inconsistencies in exam administration or failure of the raters to apply uniform standards. Current practice is that the inspection and appeal periods for composite ratings and eligible lists are held simultaneously.
15. Aggregate oral scores with written scores and add promotive points for promotive candidates. Develop tentative eligible list and post for inspection for a minimum of three business days. Qualifications of the candidate and accuracy of scores may be appealed during the inspection period pursuant to CSC Rule 12.

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16. Adopt the eligible list. Human Resources Director may adopt the list pending resolution of any appeal per CSC Rule 12.

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COMPETITIVE RATING AND MERIT PROMOTION EXAMINING SERVICES

OPM's Microcomputer Assisted Rating Service (**MARS**) has reduced human resources program administration costs for competitive and merit promotion actions **by 65% to 90%!** **MARS** is modular. Clients can take advantage of individual features or utilize the applications as an integrated whole. The components are continuously enhanced and can be quickly and easily customized to meet your demands.

Organizations can now have OPM service centers use **MARS** to develop automated evaluation criteria, announce vacancies to the public, process applications, notify applicants of results, certify applicants to selecting officials, and store résumé images. Organizations can even use **MARS** themselves through a direct network-to-network connection called **MARS LAN-Share**.

Key Features

- Uses the latest in personal computer technology
- Maintains constantly expanding libraries of evaluation criteria and customized questionnaires
- Uses flexible, job-specific questionnaires
- Uses multiple electronic media to collect applicant data
- Utilizes pioneering imaging technology and unique text search engines to maintain résumés, applications, college transcripts, etc.
- Evaluates over 1,500 applications per hour and provides immediate ratings
- Produces ranked lists of applicants and applicant notices of evaluation results

Key Benefits

- Full documentation and compliance with personnel regulations
- Inexpensive applicant evaluation and rapid turn-around processing
- Elimination of a labor-intensive and tedious process
- Confidence the best applicants for your position are identified
- Adaptability to Federal, state and local governments and other organizations

To obtain detailed information or to arrange a personal briefing, please contact your local OPM Service Center, or phone Rose Leong Keefe, (415) 281-7078.

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ASSESSMENT DEVELOPMENT AND VALIDATION SERVICES

With the advent of increased agency responsibility for staffing decisions, valid personnel selection assessments are more critical than ever. OPM'S research and development staff are experts in producing highly valid, defensible selection methods that can be tailored to specific agency needs.

Key Features

- Selection methods cover the entire spectrum of job-relevant abilities, including reasoning and social skills, and are offered in a variety of formats:
 - Multiple-choice tests, either computer-based or paper and pencil
 - Structured interviews
 - Suitability assessments
 - Biodata questionnaires
 - Job-knowledge tests
 - Social skills inventories
 - Executive assessment centers
 - Language-learning ability tests
 - Physical performance tests
 - Professional examinations for managers and executives
- Complete documentation of development process and validity analysis
- Nationwide network of test administrators can effectively and efficiently administer tests of OPM design

Key Benefits

- Increased productivity
- Reduced legal challenges
- Enhanced diversity of candidates

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AUTOMATED PERSONNEL RECORDS MANAGEMENT

OPM has developed a self-service, automated system that provides employees with immediate, electronic access to input amendments to payroll and personnel options over which they have direct control without using forms, the mail system, or visiting their personnel office. Employees interact with the system at their convenience, 24 hours a day, 7 days a week, from any touch tone telephone or through Employee Express touch screen computer kiosks.

Key Features

- Operates as a front-end system for existing agency personnel/payroll systems
- System accessed by individually assigned Personal Identification Numbers (PIN)
- Allows changes for Federal tax withholding, direct deposit of paychecks and other voluntary allotments, and home address

Key Benefits

- Gives employees immediate, electronic access to amend options
- Eliminates paper-laden, manual processes with convenient, direct, electronic interaction
- Available 24 hours a day, 7 days a week
- Quick and user-friendly

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FEDERAL EMPLOYMENT INFORMATION (TOUCH SCREEN) COMPUTER KIOSK

The Federal Employment Information (Touch Screen) Computer Kiosk is a PC-based system which uses touch screen technology to provide job seekers with daily updated Federal employment information at the touch of a finger. OPM can also customize the kiosk to help agencies better publicize internal job opportunities, inform greater numbers of qualified job candidates, and assist with employee outplacement.

Key Features

- Current employment information worldwide, updated daily
- Full text vacancy announcement print capabilities
- Applicant material print capabilities
- Facts on the Federal hiring process print capabilities
- Employment programs information print capabilities
- Agencies can customize recruitment message for unique, targeted nationwide recruiting
- Federal salary information
- Key points are emphasized by a synthetic voice component
- Easily customized to agency job announcements and other needs
- Customer satisfaction survey to support continuous improvement

Key Benefits

- Self-contained--Touch screens can be placed wherever agency customers are
- Applicants can receive all necessary forms and announcements at point-of-contact
- Menus can be customized to suit agency needs
- Job information is centrally managed and updated daily
- Assist with employee outplacement

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CAREER AMERICA CONNECTION TELESERVICE CENTER AND RECRUITING MESSAGES

The Career America Connection is a nationwide automated telephone system that provides quick, easy-to-use, current Federal employment information 24 hours a day, 7 days a week. The Career America Connection Teleservice Center provides callers the option of live operator assistance. In addition OPM can customize an automated telephone system for individual agencies.

Key Features

- Current worldwide employment information, updated daily
- Facts on the Federal hiring process
- Facts on Federal salaries and other benefits
- Information on special employment programs
- Live operators to handle individual inquiries
- Agencies can customize recruitment messages for unique targeted nationwide recruiting
- Voice mail to request application materials

Key Benefits

- Easy to follow
- Immediate access to job and employment information
- Job information is updated daily
- Supports agency downsizing/outplacement efforts
- Broad publicity of job vacancies

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AUTOMATED APPLICANT REFERRAL SYSTEM

OPM provides rapid access to applicant inventories with the Automated Applicant Referral System (AARS). AARS is a user-friendly system that provide Federal managers and human resources management specialists referral lists and certificates of qualified, rated, and ranked applicants in minutes. This system operates using any touch tone telephone and fax machine. Enter information on job series, grade level, occupational specialty, duty location, etc., and a referral list or a certificate is on its way in as little as *30 minutes!*

Key Features

- Uses any touch tone telephone to process requests for referral lists or certificates
- Transmits a list of referrals to caller's office via fax machine in 30 minutes or less
- Provides managers and human resource specialists with names, addresses, telephone numbers, and ratings

Key Benefits

- Fast and user-friendly
- No special investment; uses ordinary office equipment
- Great for high-volume, high-turnover and critical shortage occupations
- Save time, money and resources

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TELEPHONE APPLICATION PROCESSING SYSTEM (TAPS)

The Telephone Application Processing System (TAPS) provides service to both agencies and applicants. TAPS turns any touch tone telephone into an application device. It provides the capability for applicants to be rapidly referred to agencies for selection through OPM's automated staffing systems network.

Key Features

- Provides a simple effective means of applying for job vacancies
- Uses telephone to apply for Federal employment
- Processes information in less than 15 minutes
- Applicants available for employment consideration virtually immediately
- Can be used to file applications for OPM's MARS applicant evaluation system, providing faster turnaround

Key Benefits

- Available 24 hours a day, 7 days a week
- Inexpensive
- Quick turnaround time
- Hiring time reduced
- Screens for qualified applicants

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NATIONWIDE TEST ADMINISTRATION

OPM has a nationwide network of test administrators and central test storage and distribution center meet all types of testing needs. OPM test administrators are highly trained in both test administration and test security. OPM's distribution center stores, inventories, and distributes all types of test materials. This testing network has provided ongoing testing services to the Department of Defense Recruitment Command since 1976, and has provided testing service to the Immigration and Naturalization Service, the Health Care Finance Administration, the U.S. Marshal Service, and the Internal Revenue Service.

Key Features

- Uses a network of more than 900 highly-trained, experienced test administrators
- Provides test administration services nationwide or in specific geographic areas
- Provides for storage and nationwide distribution of test materials
- Nationwide network of test administrators can efficiently administer any tests of OPM design

Key Benefits

- Inexpensive -- eliminates the need for hiring and training a permanent testing staff
- Provides flexible geographic coverage
- Provide one-time or continuing testing service

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AUTOMATED TEST SCORING & APPLICATION PROCESSING AND RESULTS NOTIFICATION

Automated test scoring and application processing coupled with results notification provides a high-speed process of agency-developed application and written test exams. The system saves customers significant time, money and resources and accelerates the screening and evaluation of applicants. A well-trained, highly-skilled staff provides on-line error correction, quality assurance, and machine-assisted distribution at the test site.

Key Features

- Offers telephone application entry
- Provides next-business-date results
- Includes high speed scanning, on-line error resolution, quality assurance, and machine assisted distribution
- Electronically transmits automated records to agencies
- Offers alternative of producing Notices of Results that can be mailed directly to each applicant
- Provides long and short term data storage and retention

Key Benefits

- Economical
- Fast evaluation of applicants
- Great for high-volume testing situations and critical occupations
- Saves valuable staff time, money and resources
- Easily maintained electronic records

WORKERS' COMPENSATION PROGRAM

Report of the
1996-1997 San Francisco Civil Grand Jury

WORKERS' COMPENSATION PROGRAM

SUMMARY

The City and County of San Francisco has invested considerable money and staff time in efforts to control its workers' compensation (WC) costs; however, total WC expenditures have continued to climb. Annual WC cost exceeded \$63,000,000 in 1996.

The 1996-1997 Civil Grand Jury reviewed four elements of the WC program. These elements had also been examined in previous studies conducted by the Board of Supervisors' Budget Analyst and the City's Workers' Compensation Task Force (WCTF), as well as other observers.

- (1) The salary continuation and salary supplementation benefits available to City workers temporarily disabled due to a job related injury or illness.
- (2) The absence of financial incentives for City departments and employees to contain or reduce workers' compensation costs.
- (3) Return to Work (RTW) programs.
- (4) The Workers' Compensation Division's (WCD) administration of contracts with service providers.

The Grand Jury concluded that the City should review its full salary continuation and salary supplementation policies and stop compensating employees more when not working than when working. The City should also implement a citywide RTW program; recognize and reward departmental and individual employee efforts to contain or reduce WC costs; and regularly review its contracts with service providers to ensure they are operating as efficiently and effectively as possible.

BACKGROUND

California state law requires virtually every employer to provide workers' compensation benefits. If employees cannot work due to a job-related injury or illness, WC pays their medical bills and provides them with living expenses until they can return to work.

San Francisco's WC program has three major components:

- (a) The WCD, located within the Department of Human Resources, is responsible for administering workers' compensation benefits such as medical payments, temporary and permanent disability payments and rehabilitation expenditures for all active and retired employees of the City. The active population service is approximately 33,000, which includes San Francisco Unified School District and Community College District employees.
- (b) The Department of Public Health and numerous private contractors provide services such as claims administration, medical bill review and repricing services, and medical and rehabilitative treatment under contract with the WCD.
- (c) Some City departments assist in managing claims, operating safety and health programs and providing limited-duty assignments to injured workers.

San Francisco has invested considerable money and staff time, particularly over the past several years, toward finding ways to control its ever-increasing WC costs. These efforts resulted, in part, in various reports containing recommendations on the need to:

- take measures to prevent or reduce the number of on-the-job injuries and illnesses;

- minimize the time temporarily disabled employees remain off their jobs;
- contain medical services and rehabilitation costs; and
- correct deficiencies in the City's management of the WC program.

Many of the recommendations for controlling costs and improving program performance contained in these reports have been implemented; many others have not. The City's total WC expenditures, which include the disability pay and salary supplementation payments described in Appendix B, have continued to increase. Between 1992 and 1996, the last year for which WC costs figures are available, total annual costs increased by \$7,143,967 from \$56,585,917 to \$63,729,884, or almost 13%.

METHODS

The Grand Jury reviewed many documents and interviewed past and current City officials and employees from departments concerned with the administration and management of the WC program: the WCD, Civil Service Commission, Controller's office, City Attorney's office, Human Resources Department, Mayor's office, and the Department of Public Health. The major documents reviewed are listed in Appendix A.

FINDINGS AND RECOMMENDATIONS

Financial Disincentives to Returning to Work

WC state law sets the typical tax-free WC benefit at two-thirds of present salary, subject to a periodically adjusted maximum allowable benefit. Since the benefit is less than an employee's full salary, there is a financial incentive for the employee to return to work. The City, however, uses its funds to supplement most employees' disability benefits up to their full salaries. Since only the supplementation portion is taxable, an

employee's income is higher when not working due to a job-related injury or illness than when working. The City pays certain other temporarily disabled employees tax-free disability benefits that equal their full salary.

Finding

- City employees can receive higher net incomes when they are unable to work due to a job-related injury or illness than when they are working. This result of salary continuation and WC supplementation benefits is counterproductive. The general opinion among many City managers and other officials very familiar with the program is that the existing provisions allowing for full salary continuation and WC supplemental benefits operate as disincentives to returning to work as soon as possible. Consequently, employees may be off the job longer than necessary, resulting in lost productivity. These practices tend also to have a demoralizing effect on working employees. See Appendix B for examples of salary continuation and salary supplemental provisions.

Recommendations

1. In light of the financial disincentive to return to work these practices create, the City should determine whether it is in the public's best interest to continue providing full salary continuation and salary supplementation benefits.
2. The City should, at a minimum, discontinue all salary continuation or supplementary benefit practices which result in employees' receiving a higher net income when not working, an obvious disincentive to return to work.

Use of Department Budgets to Provide Incentives to Reduce WC Costs

Each year, City funds are allocated to departments to pay for WC benefits and services according to a formula which gives most weight to a department's actual claims

experience. All departments are expected to keep their expenditures within budgeted amounts, but if WC costs for a department exceed the amount budgeted, the department's budget is simply increased accordingly. On the other hand, if a department reduces its WC costs by better managing its WC claims, or by starting an effective injury and illness prevention program, and therefore spends less than the amount budgeted for WC, all the saved monies are returned to the general fund.

Finding

- The City is not using the budget process to provide department heads, managers, and employees with incentives to contain WC costs. There is no citywide process for financially rewarding efforts which may have lowered or contained WC costs.

Recommendations

3. The City should develop a financial incentive program to recognize exceptional efforts or outstanding accomplishments made by departments to contain or reduce their WC costs. The City should reward departments that show positive results from cost containment efforts by allowing them to retain in their budgets a portion of the monies saved. Departments should be permitted to use the retained funds to enhance or expand WC cost-containment practices, or to support other department activities not directly related to WC.
4. The City should consider setting aside funds to support a citywide financial incentive program to reward cost-containment and -reduction success in the WC program. All organizational units or individual employees in any department should be encouraged to participate in such a financial incentive program. Following established criteria, the program should recognize exceptional efforts or outstanding accomplishments in containing or reducing WC costs.

Return to Work Programs (Modified Duty Program)

An effective Return to Work (RTW), that is modified duty, program is widely acknowledged by both public and private sector WC executives to be an essential component of any effort to control WC costs. RTW programs provide temporary work assignments to employees who cannot perform their customary job duties as a result of a job-related injury or illness. In addition, job duties may be modified to accommodate an employee who is recuperating from an occupational injury or illness.

Only a few departments have established RTW programs.¹ A department developing its own program must use whatever staff expertise and financial resources it can spare from its own budget. Creating a sufficient number of meaningful modified duty assignments for temporarily disabled employees within a single department is often a major problem. A citywide program would increase the number of potential job assignments available for temporarily disabled employees.

Finding

- The City has still not implemented a citywide RTW program. The City's WCTF prepared a plan for a RTW program in 1994, but it was never implemented. Substantial savings in WC costs will be achieved by helping injured employees return to work as quickly as possible by offering modified duty assignments through an effective, citywide RTW program.

Recommendation

5. The City should, at the earliest possible time, implement an effective, citywide RTW program similar to that developed by the Return-To-Work subcommittee

¹ Municipal Railway, Public Works, Parking and Traffic, Public Health, and Police

of the City's WCTF. Experience clearly indicates that RTW programs reduce fraudulent claims and help employees return to their regular jobs faster. Furthermore, no additional costs accrue to the City for the work these employees perform.

Contracting

The WCD obtains a major portion of all the services required by the WC program through contracts with San Francisco General Hospital (SFGH), the University of California at San Francisco (UCSF), and a number of independent contractors. These contracts cost the City over \$9,000,000 annually.

SFGH and UCSF operate clinic facilities and emergency rooms for both the initial and continuing treatment of injured City employees. Private contractors provide administrative services: processing and adjusting approximately one half of all City WC claims; reviewing bills submitted by doctors and other medical service providers and maintaining networks of medical service providers offering discounted fees to injured or ill City workers. The WCD also makes payments for other medical treatment services and specialized procedures provided by practitioners not under contract with one of the City's medical service providers.

In 1993 the WCD contracted with Noetics, now FIRM Solutions, to administer about one-half of all WC claims, with the WCD retaining responsibility for the other half. The decision to contract out was made because at the time it was seen as the quickest and easiest way to increase the number of staff available, to lower the average caseload per claims examiner and to handle an increasing number of WC claims. City officials expected that the efficiency and effectiveness of both systems of administering WC claims would be evaluated after two to three years, and a determination would then be

made on whether to return all claims administration to the WCD or to assign all claims to a private contractor.

For a number of years the WCD has retained a Vocational Rehabilitation Coordinator and a Medical Coordinator, who provide referrals to City workers and coordinate oversight of vocational rehabilitation and medical services for the City. The Coordinators are paid over \$50 per hour. The City does not have a written employment contract with them and has never held open competitive bidding for these services.

Findings

- The WCD does not regularly, consistently or formally monitor, assess or audit the performance of its WC program contractors, or measure their efficiency and effectiveness in meeting the City's expectations. Because of the lack of systematic monitoring and assessment, the WCD is unable to evaluate if its funds are being well spent.
- The City has not evaluated how well the WCD and Noetics (FIRM Solutions) have administered the WC claims assigned to them.
- The Noetics (FIRM Solutions) contract has not been conducted as anticipated. The contract is in its fifth year and has not been competitively bid since inception. Each time the WCD fails to offer a contract for competitive bidding, it forfeits the potential to obtain services for less money.
- The employment arrangements of the Vocational Rehabilitation Coordinator and the Medical Coordinator are inappropriate since the contractors function as WCD staff and perform services which are permanent in nature. This same problem was highlighted in the Budget Analyst's management audit three years ago.

Recommendations

6. The WCD should regularly monitor, assess and audit all of its contracts in a consistent and formal manner to ensure that they are conducted effectively, efficiently, and in accordance with their terms and conditions.
7. The City should evaluate how well the WCD and the current private contractor have managed their respective claims administration functions. Based on that evaluation, the City should determine whether in-house or contracted claims administration is in the best interest of the City and its WC program.
8. The WCD should avoid long extensions of the termination dates of contracts which were once competitively bid.
9. The positions of Vocational Rehabilitation Coordinator and Medical Coordinator should be evaluated by the WCD. If they are necessary, they should be properly classified and filled through the City's competitive merit system, or, if the City is best served by contracting for these services, an open competitive bidding process should be followed.

REQUESTED RESPONSES

Mayor

Board of Supervisors

Department of Human Resources

Controller

Civil Service Commission

APPENDICES

- A. Information Reviewed
- B. Salary Continuation/Supplementation

APPENDIX A

List of Information Reviewed

1. 1994 Management Audit of WCD by Budget Analyst
2. 1994-95 Annual Report of Department of Human Resources
3. 1993-94 Annual Report of Retirement System
4. 1990-91 Report of Workers' Compensation Task Force, 6/6/92
5. Civil Service Commission proposed Rule 35, Return to Work Program
6. Civil Service Commission proposed amendments to Rule 22
7. Various Sections of City Charter and Administrative Code
8. Listing of Independent Contractors, WCD
9. Summary of WC Expenditures, 1991-96, WCD
10. Description of Salary Continuation and Supplementary Benefits, WCD
11. 1996 SFUSD Risk Management and Risk Financing Study
12. WCD's Management Information System Reports
13. SF Public Transportation Department Quarterly Occupational Injury and Illness Report, 1996
14. Organization Chart

APPENDIX B

Examples of Salary Continuation and Salary Supplementation

CSC Rule 20 allows all City employees on leave for a work-related injury or illness to supplement their tax free WC benefits up to their normal full salaries with funds from a special WC supplementation account (WCSA) established by their departments for them. Each employee's WCSA is equivalent to the employee's accumulated unused sick leave with pay credit balance. Since only the WCSA benefit is taxable, most employees have a higher net income from the City while out on disability leave than when working. The WCSA benefit cost the City \$1,063,519 in 1996.

- a. The City, through negotiation with the unions, is attempting to amend this benefit by eliminating the WCSA and requiring employees to use their own earned sick, compensatory, and vacation leave with pay credits if they wish to supplement their WC disability benefits, and by not permitting the total of these two amounts to exceed an employee's normal net salary. At this time, only 10% of City employees can no longer receive the WCSA benefit; however, all employees can still supplement their WC benefits up their full salaries.
- b. S.F. Administrative Code 16.170, often called "assault pay," applies to all City employees. It provides WC benefits up to one year per injury at full pay, tax free, to those who qualify. Municipal Railway employees are the major users of this provision. It cost the City \$1,081,109 in 1996.

The following provisions cost the City \$8,018,109 in 1996:

- c. City Charter, Section 8.515 and .516, affecting Police and Fire safety officers, provides WC benefits up to 365 days per injury at full pay, tax free.
- d. The state Labor Code 4850, affecting deputy sheriffs, full-time life guards, District Attorney investigators and airport police. It provides up to 365 days of WC benefits at full pay, per injury, tax free.
- e. S.F. Administrative Code 16.171 affects paramedics. It provides up to 365 days of WC benefits per injury at full pay, tax free.

SAN FRANCISCO COUNTY JAIL #7

Report of the
1996-1997 San Francisco Civil Grand Jury

SAN FRANCISCO COUNTY JAIL #7

SUMMARY

Each Civil Grand Jury is required by state law to “inquire into the condition and management of the public prisons within the county.” (Penal Code §919(b)) The 1996-1997 Civil Grand Jury focused its investigation on the construction of Jail #7 and the consequent problems.

No provisions were made in the design and construction of Jail #7 for food or laundry services, so it depends on Jail #3 to supply them. Jail #3 must continue to function or its replacement be put into operation in order for Jail #7 to be viable.

The San Francisco Sheriff's Department (SFSD) continues to expend a disproportionate amount of resources to maintain Jail #3 at minimally acceptable levels so that it can remain open and functioning. The facility's age and general condition makes this a never-ending task. The City needs to decide either to overhaul or replace this facility.

There have been serious water leaks noted at Jail #7 almost from the time it was first occupied in January 1989. The facility has sustained damage and continues to sustain damage as the matter was not corrected by the contractor, and no funds for repair have been approved by the Federal Emergency Management Agency (FEMA), California Office of Emergency Services (OES), or through the City's budgetary process.

SFSD and Department of Public Works (DPW) did not maintain adequate records nor did they communicate effectively to remedy leak problems during either the warranty period on the facility or at the time FEMA and OES actions could have been

challenged. Policies and procedures are needed within both departments to prevent a repetition.

Neither Sheriff Captains who command jails nor the Deputy Chief have written responsibility to see that the jail's physical integrity is maintained. The job description for SFSD Sheriff's Bureau of Building Services personnel (SBBS) who have been given responsibility for new facilities, construction, repairs, and maintenance, makes no mention of these responsibilities nor do they require any special education and/or training.

SFSD has requested \$400,000 for capital improvements in 1997-1998 to eliminate the leaks based on a 1996 independent report. The City's Capital Improvements Advisory Committee (CIAC) and others involved in the budgetary process should approve the request. The work should be completed before next season's rains do even further damage to Jail #7.

PROCEDURES

The 1996-1997 Civil Grand Jury visited all of the City's jails in August 1996. The committee investigating Jail #7 visited Jails 3 and 7 in February 1997. Interviews were held with SFSD, DPW, and City Attorney personnel. Records and reports from SFSD, DPW, Department of Public Health, California Board of Corrections, and from private companies were reviewed.

In some instances, the lack of meeting and communications records among the responsible departments, and the inability of some persons interviewed to always remember what transpired several years ago, hampered the Grand Jury's progress. However, the cooperation and patience of the San Francisco Sheriff's Department, the

Department of Public Works, the Department of Public Health, the City Attorney, and the California Board of Corrections over the course of nine months made this report possible.

BACKGROUND

The Construction of Jail #7

In 1988, Jail #7 was built adjacent to Jail #3 in San Bruno. It was built within budget in less than twelve months -- a result of pre-fabricated, "tilt-up" construction -- in order to satisfy court requirements to eliminate overcrowding in the San Francisco jails. The total cost was approximately eight million dollars of which approximately two million dollars came from various federal and state funds and six million dollars from City funds.

No provisions were made for either food or laundry services at Jail #7. These were to be provided by the adjacent Jail #3. This decision was made in order to comply with the court's mandate in a timely manner, with available funds, in spite of the poor condition of Jail #3.

DPW Construction Management personnel worked with SFSD in the design, bid, construction and inspection process, and on correction of problems encountered after occupancy. These are services commonly provided by DPW for City construction projects.

Post-Construction Problems

Jail #7 was opened and occupied in January 1989 before construction was complete. As is common in new structures, there were several areas which required correction. The DPW Project Manager worked with the SFSD's Capital Improvements which is

now known as the Sheriff's Bureau of Building Services (SBBS) in resolving problems, the most serious of which involved malfunctioning electronic doors and fire life systems.

Water leakage appeared following rainstorms in January 1989. The contractor arranged for the application of sealant, in an attempt to eliminate the problem. There was no further rain that season and testing of the seals by spraying water on them revealed no discernable leaks. In January 1990 after that season's first significant rain, leaks similar to those of the first year occurred. The contractor met with DPW Construction Management and SBBS, and shortly thereafter advised them in writing that the Loma Prieta earthquake, in October 1989, had caused the leaks. The contractor maintained that they were, therefore, not responsible for correcting them.

DPW, SBBS, and the contractor developed a "punch list," which eventually ran thirty-three pages, of post-construction items which required correction for the facility to be approved. The leaks were not addressed with the contractor after receipt of the contention that the leaks were caused by the earthquake. The City signed off on Jail #7 on June 16, 1990, starting the one-year warranty period on the facility.

Jail #7 Loma Prieta Earthquake Repair Process and Findings

Following the Loma Prieta earthquake, DPW Bureau of Architecture coordinated efforts with City departments, California's Office of Emergency Services (OES), and the Federal Emergency Management Agency (FEMA), to determine whether damage to various City buildings was caused by the earthquake. If damage was proven to be caused by the earthquake, a decision was then made as to how much money FEMA and/or OES would provide for repairs.

It was agreed that minor damage to Jail #7 was caused by the earthquake. The original \$7738 repair estimate was later increased slightly to account for higher costs in the San Francisco area. The matter of leaks and cracks was put aside for further investigation.

FEMA and DPW Bureau of Architecture determined, after an inspection conducted in June 1991, that the leaks and cracks were not caused by the Loma Prieta earthquake. Furthermore, they determined that these conditions were caused by the original construction and/or efforts taken in 1989 to eliminate leaks. The OES representative was not present at the inspection, but was informed of the findings. The Civil Grand Jury saw no documents indicating OES' disagreement.

On August 5, 1991, DPW Bureau of Architecture advised SBBS in writing of the determination that the leaks were not caused by the earthquake, and that no FEMA or OES funds would be forthcoming. The DPW Project Manager was not advised of these findings.

SBBS did not notify the DPW Project Manager, the contractor, or the City Attorney that FEMA, OES, and DPW Bureau of Architecture had concurred that the Loma Prieta earthquake had not caused the leaks. The DPW Project Manager did not follow up to find out if the leaks had been eliminated. The Facility Commander for Jail #7 during this time took no action because it was not part of his job description, but was the responsibility of others. His successor did not take action for the same reason.

The Impact of Jail #3

Jail #3 continues to provide food and laundry services for Jail #7. Jail #3, which has been the focus of previous Civil Grand Jury Reports, has outlived its useful life and has become more difficult to repair due to its ever-increasing deterioration, and the

unavailability of parts. For example, part of the boiler room has been blocked off for more than five years, and the original boiler is not operational. A rented boiler, located outside the jail, has been in use during this time.

SFSD time and resources are expended on maintaining this jail at minimally acceptable levels so that it can remain open and functioning. The facility's age and generally poor condition make this a never-ending task. These circumstances result in resources being unavailable to address problems at Jail #7 and at other jails.

Financial Considerations

In recent years City voters have defeated bond measures intended to raise funds to replace Jail #3 with a new jail near the current facility. There is currently no proposal for a bond measure or other endeavor to replace this jail.

SFSD has had only a small proportion of its requests for budget funds for repairs or capital improvements approved over the past several years. SFSD has requested funds to repair the leaks at Jail #7 since 1993. These requests have been denied by the CIAC.

An independent study presented by a roofing specialist in April 1996 to the SFSD and the DPW Bureau of Architecture, recommended actions to eliminate the leaks at Jail #7 at a cost of approximately \$400,000. The report offered no guarantees that these actions would work.

SFSD has requested \$400,000, pursuant to the study's recommendations, as part of its Capital Improvements request for the coming fiscal year. The department does not have any other source of funds available.

Finding

- The cost effectiveness, and even the viability, of Jail #7 would be seriously jeopardized if Jail #3 became non-operational and was not replaced near its present site, because food and laundry services would still be needed for Jail #7. The closing of Jail #3 would, therefore, mean the effective closing of two jails, and require the replacement of both, although Jail #7 has years of remaining usefulness if the leaks are eliminated.

Recommendations

1. SFSD should continue to take actions to enable Jail #3's kitchen and laundry operations to meet the needs of Jails 3 and 7, while being in compliance with health and safety codes. (The Civil Grand Jury did not investigate the possibility of constructing a separate facility adjacent to Jail 7 to provide food and laundry services. However, the cost of building and running such a facility as well as security issues in respect to the inmates who provide most of the labor for food and laundry services appears to make this solution impractical.)
2. In the near term, SFSD should continue to educate the CIAC and others involved with the budgetary process, and to advocate for funds to keep Jail #3 operational.
3. A study should be conducted to determine what, if any, action can be taken to keep Jail #3 operating. The study should compare the cost of operating Jail #3 with the cost of constructing a new jail in the immediate area, and ascertain potential sources of funds to overhaul Jail #3 or construct a new jail. These should include federal and state funds, as well as money from the City's General Fund and/or a bond measure.

Finding

- The record keeping within both SBBS and DPW Construction Management concerning the construction of Jail #7 and the consequent problems was inadequate.

Recommendations

4. SFSD and DPW should mandate note-taking during all conversations, meetings, and other activities, no matter how trivial they may appear to be at the time. Such notes should always include the name of participants, date, and times as well as subjects discussed.
5. Involved department personnel should maintain a daily log book noting all significant activities and recapping the day's events.
6. Records should be maintained by project, and should be readily accessible. If a record covers more than one project, sufficient copies should be made and placed in each appropriate project file.
7. Project files, with records, should be maintained for at least five years after all problems attendant to a project have been resolved.

Findings

- The leaks at Jail #7 might have been corrected at no cost to the City by having the contractor do the repairs during the warranty period. The leaks could have possibly been corrected by having the City Attorney take appropriate action. They could have possibly been corrected in 1991-1992 for \$40,000. The cost

has now risen to \$400,000 due to the failures to take earlier action.

- Bureau of Architecture failed to notify the Project Manager that neither FEMA nor OES was going to approve funds for leak repairs.
- SBBS failed to notify the Sheriff or the Project Manager, and did not request direction after the August 5, 1991 memo was issued by the Bureau of Architecture.
- The Project Manager failed to follow through after January 1990 to determine that the leaks were being addressed.
- The City Attorney was not informed or contacted for advice or assistance in respect to actions which could have been taken with the contractor, FEMA, or OES.
- The responsibilities detailed in the job descriptions for Sheriff's Captains who served as Facility Commander for Jail #7 and the Deputy Chief with responsibility for all of the jails make no mention for the maintenance and/or repair of jails. These employees do not believe it was or is their responsibility to see that the leaks were eliminated as this was and is the responsibility of SBBS.
- There is no mention in the job description of either the Deputy Sheriff or the Lieutenant in SBBS of having responsibility for the repair or maintenance of jail facilities.

Recommendations

8. A DPW Project Manager should independently ascertain that a facility is functioning as contemplated, regardless of whether comments are received from the user.
9. Responsible SFSD personnel should make sure they are satisfied with repair and/or construction work performed and how a facility is functioning. They should immediately communicate any dissatisfaction to the DPW Project Manager.
10. The DPW Project Manager, with the advice and approval of the City Attorney, should provide written notice to the contractor, within the warranty period, of any issues requiring correction.
11. DPW personnel who discover problems with a facility where DPW was involved, should notify the user and the DPW Project Manager immediately in writing. There should be written acknowledgment of receipt.
12. DPW and SFSD should ascertain that all problems with facility construction and/or repair have been addressed completely and satisfactorily. Appropriate higher management at DPW and SFSD, as well as the City Attorney's Office, should be notified immediately in writing of unresolved contractual problems.
13. Sheriff's Captains who are Facility Commanders and the Deputy Chief should have the responsibility for giving notification of areas of disrepair, and for following through with designated department personnel until resolution of any problems has been achieved. These responsibilities should be so reflected in

their job descriptions.

14. The job description of SBBS staff responsible for overseeing construction, capital improvements, and/or repairs, should so reflect, and should specify appropriate educational and technical qualifications.

Finding

- Unless corrected, the leaks at Jail #7 will continue to worsen and do more damage to the facility.

Recommendations

15. The \$400,000 request for funds to correct the leaks should be approved and made available for the coming budget year.
16. The funds should be expedited and work commenced and completed before next season's rains do even more damage to Jail #7.

REQUESTED RESPONSES

Mayor

Board of Supervisors

San Francisco Sheriff's Department

Department of Public Works

Capital Improvements Advisory Committee

City Attorney

Department of Public Health

California Board of Corrections

RECREATION AND PARK DEPARTMENT
CONCESSIONS

Report of the
1996-1997 San Francisco Civil Grand Jury

RECREATION AND PARK DEPARTMENT CONCESSIONS

SUMMARY

The 1996-97 San Francisco Civil Grand Jury visited the city's five golf courses and reviewed various Recreation and Park Department (R&P) concession contracts that three predecessor juries of the past decade (1986-87, 1992-93, & 1993-94) had also examined. The Grand Jury found that R&P has failed to make the constructive changes previous juries recommended, such as enforcing those conditions of golf course contracts that require concessionaires to upgrade service and/or build or maintain various structures. The Jury also found R&P lax in long-term planning: R&P often allows contracts to approach or actually reach expiration without examining how well the concessionaire has adhered to contractual obligations or determining whether additional contract provisions might better satisfy both users' needs and budget considerations. R&P fails to include clauses in its concession contracts assessing sufficient penalties to encourage strict compliance. When lessees have consistently fallen short on their obligations, including even timely payment of monies due the city, R&P hasn't issued Requests for Proposals (RFPs) far enough in advance to ensure a smooth transition to new management.

Unlike most City entities, which *cost* taxpayers money, concessions such as those at the City's golf courses actually *earn* money for the general fund. Both residents and visitors use these facilities and may infer exactly how much pride San Francisco takes in its ownership of these properties by how the city takes care of them. The Grand Jury notes with regret that, in far too many instances, these inferences would be negative.

The Jury concludes that closer attention to concession contracts and upkeep of the facilities would enhance both the tangible and intangible value of these public assets.

BACKGROUND

The City and County of San Francisco owns numerous parks and recreation facilities, which R&P manages. R&P contracts with concessionaires to operate these recreational facilities, among them five golf courses: Golden Gate, Harding, Lincoln, McLaren, and Sharp Park. Contracts specify how rents are determined and allocate responsibilities for interior and exterior upkeep of grounds, clubhouses, restaurants, pro shops, cart storage, and driving ranges, plus any building construction or renovation.

METHODS

The Grand Jury reviewed the recent history of R&P's management of its concessions, focusing mainly on the five golf courses. (Physical conditions of the courses themselves were beyond the scope of this report.) Members of the Grand Jury inspected all golf course concessions, including restaurants, club houses, pro shops, cart storage, and driving ranges. The Jury requested and studied copies of concession contracts and job descriptions of selected R&P employees. Job descriptions specify the duties of R&P employees in overseeing these functions. Jury members met with those R&P employees responsible for overseeing contract compliance, from on-site staff to supervisory personnel.

Physical Conditions at Golf Course Structures

Findings

- Physical conditions at all but one¹ of the golf courses showed neglect. Closer inspection revealed failures of maintenance or poor management in numerous

¹ The concessionaire at Sharp Park Golf Course provides on-site supervision; the result is an admirable model for other lessees to emulate.

areas, some merely aesthetically displeasing², others actually hazardous. Specific examples include the following: worn, torn, and stained carpeting; non-functioning locker-room showers and dirty restroom facilities; exposed, overflowing garbage cans; graffiti; poorly maintained cart storage sheds and driving ranges; missing soap and towels in a kitchen employee lavatory; inappropriate use of a recreational area to store construction debris; illegal indoor smoking area; mildew odor and unrefrigerated poultry, meat, and fish in a restaurant, and a missing sign for a hard-to-locate facility.

- R&P does not require both on-site and supervisory personnel to keep a check-list of contract provisions for maintaining the City's facilities in order to detect lapses and alert those responsible for seeing they are corrected in a timely fashion.

Recommendations

1. R&P should establish a mandatory procedure to enable those City employees whose duties bring them to R&P facilities to report substandard conditions quickly and easily.
2. Supervisory personnel should regularly visit all facilities for which they have oversight responsibility to determine whether both R&P's and concessionaire's on-site staff are doing their jobs.
3. When on-site personnel report any maintenance problems that might affect safety, or health of either employees or users, R&P senior staff should promptly alert the appropriate City departments as well as the concessionaire.

² A member of the Grand Jury had a chance encounter at the grocery store with a visitor from Belgium, who comes to the Bay Area regularly to play golf. Asked whether he ever played the City's courses, he replied that he had golfed at Lincoln Park and volunteered that, though in a physically magnificent setting, the facilities were a disgrace, something he, the mayor of a city that attracts thousands of tourists, would never allow to go uncorrected.

4. R&P should train staff at all levels to follow up on all reported problems and make certain they have been fully corrected within a reasonable amount of time.
5. R&P personnel should provide printed forms that encourage members of the general public who use its facilities to report any areas of concern.
6. R&P should be meticulous in maintaining its contractual obligations, thereby encouraging concessionaires to maintain theirs.

Concession Contracts

Findings

- The Grand Jury found several problems related to the wording, awarding, and maintenance of both golf course and other recreational concession contracts. Some lessees fail to make required capital improvements in a timely fashion, but R&P contracts seldom provide other options - - either increased rent or alternative improvements - - when the original agreement cannot be fulfilled. In one case, a contract required a golf course concessionaire to build a driving range within eighteen months; the concessionaire did not even submit plans till three years had passed. By then, various neighborhood changes and newly discovered environmental concerns had made the project infeasible, but the contract did not require the lessee to build the range at an alternative location or, if that was not possible, recompense the City monetarily. In another instance, a concessionaire constructed a golf cart-storage shed that was markedly smaller than contract specifications, then let it fall into disrepair. The Grand Jury could find no evidence that R&P either exacted compensation for the reduced building size or insisted the shed be properly maintained.

- Contracts alert lessees to the specific years for which they may expect audits, encouraging them to report revenues accurately for those years but not necessarily for every year.
- Rather than issuing RFPs well in advance, especially for those concessions not performing up to expectations, R&P often allows contracts to expire and go on a month-to-month rental, thereby sometimes prolonging a relationship with an unsatisfactory tenant. The Grand Jury found eight concessions operating with expired agreements and two others due to expire in 1998. One of those is a golf course under consideration for an upgrade to professional tournament standards, which would require substantial expenditure of funds and add considerably to the complexity of negotiating a new lease.
- R&P has allowed several tenants to fall into arrears on their rents, resulting not only in loss of income to the City but also in occasional lengthy disputes over amounts due, some of which have required the City Attorney's intervention. In one such case, the amount in dispute is over \$100,000. Although the SF Controller alerted R&P to problems with one contract in a 1994 audit, R&P neglected to take corrective action for two years and has just recently referred the matter to the City Attorney.

Recommendations

7. R&P contracts should contain provisions that ensure lessees comply with contractual obligations in a timely fashion, provide remedies for unwarranted delays, and penalize concessionaires who willfully neglect to fulfill agreed-upon contractual obligations.
8. Contracts should provide mutually agreed-upon remedies, including renegotiation, in the event factors beyond the lessees' control, such as

environmental restrictions or neighborhood objections, prevent fulfilling the original conditions.

9. R&P should review contracts long enough before their expiration dates to be able to effect any desired changes in terms or issue RFPs.
10. R&P should make timely and accurate rent payment by its concessionaires a higher priority than has been its practice, instituting remedial action whenever lessees either fall into arrears with or under report monies due.
11. Contracts should not specify in which (or for which) years audits will occur.

Record Keeping

Findings

- The Grand Jury had some difficulty in making certain determinations because R&P did not keep the kinds of records necessary to review the histories of each property thoroughly. For example, when the Jury requested proof of insurance and workers' compensation policies, R&P's Property Management division did not have current certificates on file. (R&P subsequently obtained, and then gave the Jury, up-to-date certificates for all concessionaires.)
- R&P never was able to provide building plans the Jury requested.

Recommendations

12. R&P should institute procedures to determine on a regular basis whether lessees are maintaining all required insurance.
13. R&P should keep files of blueprints and other related construction documents so that its own staff or outside examiners can readily check any structures against their original plans.

REQUESTED RESPONSES

Mayor

San Francisco Board of Supervisors

General Manager, Recreation and Park Department

Recreation and Park Commission

Controller

City Attorney

**DEPARTMENT
OF
BUILDING INSPECTION**

Report of the
1996-1997 San Francisco Civil Grand Jury

DEPARTMENT OF BUILDING INSPECTION

SUMMARY

In 1995 the building inspection function was removed from the Department of Public Works (DPW) and became a separate department, the Department of Building Inspection (DBI). In its first two years it has concentrated on streamlining its functions to reduce the time for issuing construction permits. It has also revised its procedures for conducting inspections and permit review to better serve the public. The 1996-1997 San Francisco Civil Grand Jury's review of DBI leads us to conclude that DBI has made outstanding progress in these efforts.

The Civil Grand Jury focused on the construction permit approval process. In the past the Bureau of Building Inspection (BBI) had been criticized because of the time it took to issue construction or remodeling permits. We found that permit processing time has been substantially reduced. Currently, 75% of permits are issued the same day requested; another 15% take a week; 5% take a month; and 5% up to three months. The longer delays usually are the result of requirements for public hearings prior to approval. Some are delayed where several City departments must make inspections. This process will be streamlined in 1997 with the intent of cutting the time for multiple reviews in half.

In the past a permit applicant has had to deal with each department (inspection, planning, etc.) that had responsibility for reviewing various aspects of the construction proposal. (Appendix A shows each department with inspection responsibilities.) As a result of our discussions with DBI employees, a new procedure is being installed which will establish a single contact for all aspects of the application. A single coordinator for the permit process will significantly reduce the time required for

approval where several departments are involved.

METHODS

The Grand Jury interviewed employees of various City departments and reviewed documents, including those listed in Appendix B.

BACKGROUND

In 1994, the City Charter was changed and the BBI was removed from the DPW and a new building inspection commission was created. The DBI became operational in 1995.

In October 1989 the Board of Supervisors' Budget Analyst presented an audit highly critical audit of the problems associated with the building permit process. The basic permit evaluation was backlogged with up to 3000 permit applications. It took 30 to 60 days for staff to even look at the applications and there was a poor inventory control system for tracking applications. At the mayor's request, the Mayor's Fiscal Advisory Committee (MFAC) conducted a study of the permit process. As a result, changes were made and the process was improved.

DBI reports to a seven-member commission, the Building Inspection Commission (BIC), which is the policy making and supervisory body mandated by the City Charter. The Commission is responsible for overseeing the effective, efficient, and fair enforcement of the City's building, housing, plumbing, electrical, and mechanical codes.

An organizational chart of DBI is attached as Appendix C.

In recent years several events have changed the emphasis of DBI and increased its workload.

As a result of the 1989 Loma Prieta earthquake, new standards were established for unreinforced masonry buildings (UMB). Owners must be notified of potential hazards and must seismically upgrade UMB structures to meet the new standards. This has resulted in a review of over 2000 buildings, their assessment as to seismic risk and their eventual upgrading. Much remains to be done to bring old buildings up to current standards. In addition, the State has mandated a standardized emergency management system. Some 265 City inspectors, engineers, and architects have been trained in procedures for post-earthquake city evaluation of buildings.

Another event which increased DBI's workload was the federal Americans with Disabilities Act (ADA) which required buildings to make "reasonable accommodations" for known physical or mental limitations of employees and customers. DBI is responsible for seeing that buildings are in compliance. An Access Appeals Commission, appointed by the BIC, is in place to hear appeals to be exempted from compliance where unreasonable hardship may result in meeting access requirements.

When complaints of lack of access are made DBI must take action to inspect the premises, require modifications, if necessary, and issue notices of violations where appropriate. DBI is addressing the problem of the backlog of complaints by instituting new review procedures and increasing the inspectors assigned to this area.

Appendix D shows the procedure for handling complaints.

Permit Application Review

Building permits are initiated through the DBI. Most permits are for residential remodeling and usually are processed at the time the person requests a permit or within one week. If a permit requires approval of the Planning, Fire, Water, or Health Department, processing will take longer.

New construction, demolition and reconstruction must be approved by the Planning Department and done in accordance with zoning district guidelines. Public hearings are required. The process takes at least 30 days for notice and review. Any demolition must be reviewed by the State Air and Water Quality board which has responsibility for the proper removal of hazardous waste, such as asbestos.

The City departments having responsibility for various aspects of construction and their duties are set out in Appendix A.

Findings

- Approximately 50,000 permits are issued each year. Currently, 80% of residential permits and 50% of commercial permits are issued “over the counter” (same day). DBI’s goal is to increase “over the counter” permitting to 85% for residential and 60% for commercial. This rate has improved appreciably since DBI was reorganized.
- If an application requires approval by other City departments it is referred to DBI for appropriate review. Building Inspection coordinates with the other departments but there has not been a formal procedure to track these permits.

- In the case of a demolition permit, the contractor must represent that it has contacted the State Air and Water Quality Board. Residential demolition permits are not issued until plans for the replacement structure are submitted and approved. However, reports from the State showing compliance with air and water quality requirements are not sent to the DBI.

Recommendations

1. Permitting

DBI should continue to work with other departments to implement its planned process for applicants to have a single contact to determine the status of permit requests. This “one-stop permit center” will allow the permit applicant to deal with one person until the permit is issued rather than the current process of dealing with four to five persons from various City reviewing agencies.

Similarly, DBI should pursue and implement the planned new process to have departments review an application simultaneously rather than passing an application from one department to the next. Under the old system, approval could take at least four months. Under the new system, approval time should be cut in half.

2. Demolitions

Where permits for building demolitions are made, DBI should require that approved reports from the State Air and Water Quality Board be filed with DBI before final approval of the demolition is given. This will insure that the state’s requirements have been met.

REQUESTED RESPONSES

Mayor

Board of Supervisors

Department of Building Inspection

Building Inspection Commission

APPENDICES

- A. Departmental Responsibilities
- B. Information Reviewed
- C. Department Directory
- D. Complaint Process

APPENDIX A

Department of Building Inspection (DBI)

DBI is responsible for safeguarding life, limb, health, property, public welfare and public safety through the implementation and enforcement of building, housing, plumbing, electrical, mechanical, and disability access codes concerning the design and construction of buildings and structures within the City.

DBI has approximately 200 employees. Its annual budget is about \$20 million. About \$17 million is covered by charges for services and \$3 million for licenses and fines. Thus, it is a self-funding department.

Department of City Planning (DCP)

Through a plan review process, DCP is responsible for ensuring that all proposed construction, demolition, signs and uses are in conformance with the planning code and ensures that designs and environmental factors are in accordance with all applicable laws and policies.

Fire Department (SFFD)

SFFD is responsible for ensuring that all proposed construction and alteration projects relating to residential, assembly, hazardous, institutional occupancies and high rise buildings are in compliance with state laws and regulations. This includes the removal of petroleum underground storage tanks.

Department of Public Health (DPH)

DPH is responsible for ensuring that proposed food establishments, laundromats, and massage parlors are in compliance with the health code.

Department of Public Works (DPW)

DPW is responsible for ensuring that all proposed construction projects comply with the applicable street use and mapping regulations. Projects are reviewed for street and sidewalk use, curb cuts, infringement of sidewalks by signs and other items that may affect the appropriate use of streets and sidewalks.

APPENDIX B

BUILDING INSPECTION DEPARTMENT LIST OF INFORMATION REVIEWED

1. 1981 Review of Building Permit Process
2. October 1989 Budget Analyst Report to the Board of Supervisors
3. Organization Chart
4. 1995 Highlights -- 1996 Work Plan
5. 1996 Quarterly Newsletters
6. Planning Department Building Permit Application Packet
7. Meeting Agenda
8. Building Inspection Permit Brochures
9. Permit Processing Timetable
10. Monthly Internal Reports on Backlog
11. General Checklist for Contractors on Requirements
12. Management Information Systems

APPENDIX C **DEPARTMENT OF BUILDING INSPECTION** 1660 Mission Street, San Francisco, CA 94103 (415) 558-6088

BUILDING INSPECTION COMMISSION (BIC) - 6TH FLOOR 558-6164 Office 558-6225 Fax

Bobbie Sue Hood - President
 Eileen Hansen - Vice President
 Robert Davis
 Signmund Frieman

Roy Guimane
 Jaime Sanbonmatsu
 Armando Vasquez

Maria Gracia Banico, Secretary - 558-6164

DEPARTMENT OF BUILDING INSPECTION (DBI) DIRECTOR'S OFFICE - 6TH FLOOR

Frank Y. Chiu, Director
 James Hutchinson, Deputy Director, Permit Services
 William Wong, Deputy Director, Inspection Services

Patty Perez, Secretary 558-6131

ACCESS APPEALS COMMISSION (AAC) - 6TH FLOOR

Walter Park, President
 Enid Lim - Vice President
 Rosilyn Baltimore

558-6014 Office
 558-6225 Fax

Terry Nancy Hogan
 Linton Stables, III

Laurence Komfield, Secretary

ABATEMENT APPEALS BOARD (AAB)

William Wong, Department Representative
 BOARD OF EXAMINERS (BOE)

Wing Lau, Department Representative

BUILDING CODE ADVISORY COMMITTEE (BCAC)

Alan Tokugawa, Department Representative

UNREINFORCED MASONRY BUILDINGS APPEALS BOARD (UMB) 558-6157 Office
 558-6041 Fax
 Hanson Tom, Department Representative

558-6139 Office
 558-6225 Fax

558-6135 Office
 558-6041 Fax

558-6004 Office
 558-6208 Fax

558-6157 Office
 558-6041 Fax

ADMINISTRATIVE SERVICES (ADM) - 3RD FLOOR

Paulette Hoocy, Manager

Provides support to the Department in the areas of personnel, payroll, fiscal management, purchasing, employee services, and related data collection.

BUILDING INSPECTION DIVISION (BID) - 3RD FLOOR

Joan MacQuarrie, Chief Bldg Inspector 558-6096 Office
 Inspects for compliance with Building Code requirements for building permits and responds to complaints on residential and commercial buildings.

CENTRAL PERMIT BUREAU (CPB) - 1ST/2ND FLOOR

Teresa Hansell, Manager 558-6070 Office
 Issues building, plumbing and electrical permits; collects fees for processing applications for DBI and other City agencies.

CODE ENFORCEMENT DIVISION (CED) - 3RD FLOOR

Rafael Torres-Gil, Sr Bldg Inspector 558-6454 Office
 Responsible for abatement of code violation cases referred from the Building, Plumbing, and Electrical divisions. Performs complete physical inspections of buildings and issues inspection reports of violations.

COMMERCIAL PLAN CHECK (CPC) - 2ND FLOOR

Wing Lau, Chief Building Inspector 558-6133 Office
 Screens, reviews, and approves commercial tenant improvement applications for compliance with Building, Mechanical, Energy codes and Disabled Access regulations.

CUSTOMER SERVICES DIVISION (CSD) - 1ST FLOOR

Peter Burns, Manager 558-6088 Office
 Answers general and code questions; gives permit status and information; processes Board of Permit Appeals requests.

DISABLED ACCESS DIVISION (DAD) - 6TH FLOOR

Carla Johnson, Acting Sr. Bldg. Insp. 558-6014 Office
 Responsible for the intake and resolution of all complaints filed by the public regarding disabled access citywide.

EARTHQUAKE PREPAREDNESS SECTION - 3RD FLOOR

Zan Turner, Coordinator 558-6104 Office
 Provides planning, training, and coordination of earthquake preparedness and other disasters.

ELECTRICAL INSPECTION DIVISION (EID) - 3RD FLOOR

Steven Young, Chief Electrical Insp. 558-6030 Office
 Provides public safety by enforcing municipal and State regulations and codes relative to construction, alteration, and installation of electrical equipment and systems.

HOUSING INSPECTION DIVISION (HIS) - 6TH FLOOR

Lesley Stansfield, Acting Manager 558-6220 Office
 Inspects for code compliance in residential housing under building permits or as a result of complaints and frequently inspects apartments and hotels.

MAJOR PROJECTS/UMB'S - 2ND FLOOR

Hanson Tom, Building Plans Engineer 558-6133 Office
 Reviews applications and plans for compliance with Building, Mechanical, Housing, Energy codes, and Disabled Access regulations.

MANAGEMENT INFORMATION SYSTEMS (MIS) - 6TH FLOOR

James Albert, Manager 558-6227 Office
 Provides automated data capture, data management, and report dissemination throughout the Department.

PLUMBING INSPECTION DIVISION (PID) - 3RD FLOOR

Thomas Lehane, Chief Plumbing Insp. 558-6054 Office
 Provides public safety by enforcing municipal and State regulations and codes relative to construction, alteration, and installation of plumbing equipment and systems.

RECORDS MANAGEMENT (RMD) - 1ST/2ND FLOOR

Michael Rodman, Manager 558-6080 Office
 Management, processing, and updating of all microfilm services and residential records.

RESIDENTIAL PLAN CHECK (RPC) - 2ND FLOOR

Jeffrey Ma, Acting Manager 558-6133 Office
 Screens, reviews, and approves residential applications and plans for compliance with Building, Mechanical, Housing, Energy codes, and Disabled Access regulations.

SPECIAL PROGRAMS:

Boiler Inspections, 3rd Floor - Thomas Lehane, Chief Plumbing Inspector 558-6054
 Building Permit Status, 1st Floor - 1-800-4SF-BLDG
 Reroofing Inspection, 3rd Floor - Joan MacQuarrie, Chief Bldg Inspector 558-6096

OTHER CITY OFFICES Bureau of Street Use & Mapping, 1st Floor 558-6060
 City Planning Department 5th Floor 558-6378

APPENDIX D

PROPOSED COMPLAINT PRIORITY FORMAT COMPLAINT HANDLING PROCEDURES

Currently, the Department of Building Inspection handles all complaints in the same manner unless a hazardous condition exists, such as lack of heat. All complaints are received and documented whether complainants identify themselves or not. The validity of the complaint is determined by inspection. It is sometimes difficult to prioritize a complaint because of language problems. The following prioritized complaint chart is to be used as a guideline for inspectors.

PRIORITY 1 INSPECTION MADE WITHIN 48 HOURS

- A Structural failure/collapse - fire damage.
- B Lack of heat.
- C Sewage leak/gas leak.
- D Exposed electrical wiring/hazardous wiring.
- E Major roof leaks.
- F Broken elevators.
- G Rodent/vermin/insect infestation.
- H Lack of sprinklers/smoke detector system/fire extinguisher.
- I No sanitary facilities in residential units.

PRIORITY 2 INSPECTION WITHIN 5 DAYS

- A Inadequate sanitary facilities.
- B Work started without permit.
- C Lack of egress.
- D Room sizes smaller than code allows.
- E Lack of proper cooking facilities in R occupancy.
- F Lack of hot water.
- G Security i.e., door and locks not working properly.
- H Lack of disability access.

PRIORITY 3 INSPECTION WITHIN 2 WEEKS

- A Hazardous wiring (not enough outlets)
- B Lack of sprinklers in garbage rooms and chutes.
- C Lack of required electrical illumination.
- D Faulty weather protection.
- E Dampness of habitable rooms.
- F Lack of adequate garbage and rubbish storage and removal facilities.
- G General lack of maintenance (painting, floor covering, etc.)

PRIORITY 4 INSPECTION UP TO 4 WEEKS OR AS TIME PERMITS

- A Peepholes.
- B Storage in R3 occupancy.
- C Construction noise.
- D Lack of natural light.

APPENDIX D

E	Non-habitable units.
F	Cracks in plaster.
G	Minor odors.
H	Energy conservation.
I	Illegal use (Planning Code)(not life threatening)

APPENDIX D



DEPARTMENT OF BUILDING INSPECTION

City & County of San Francisco

1660 Mission Street, San Francisco, California 94103-2414

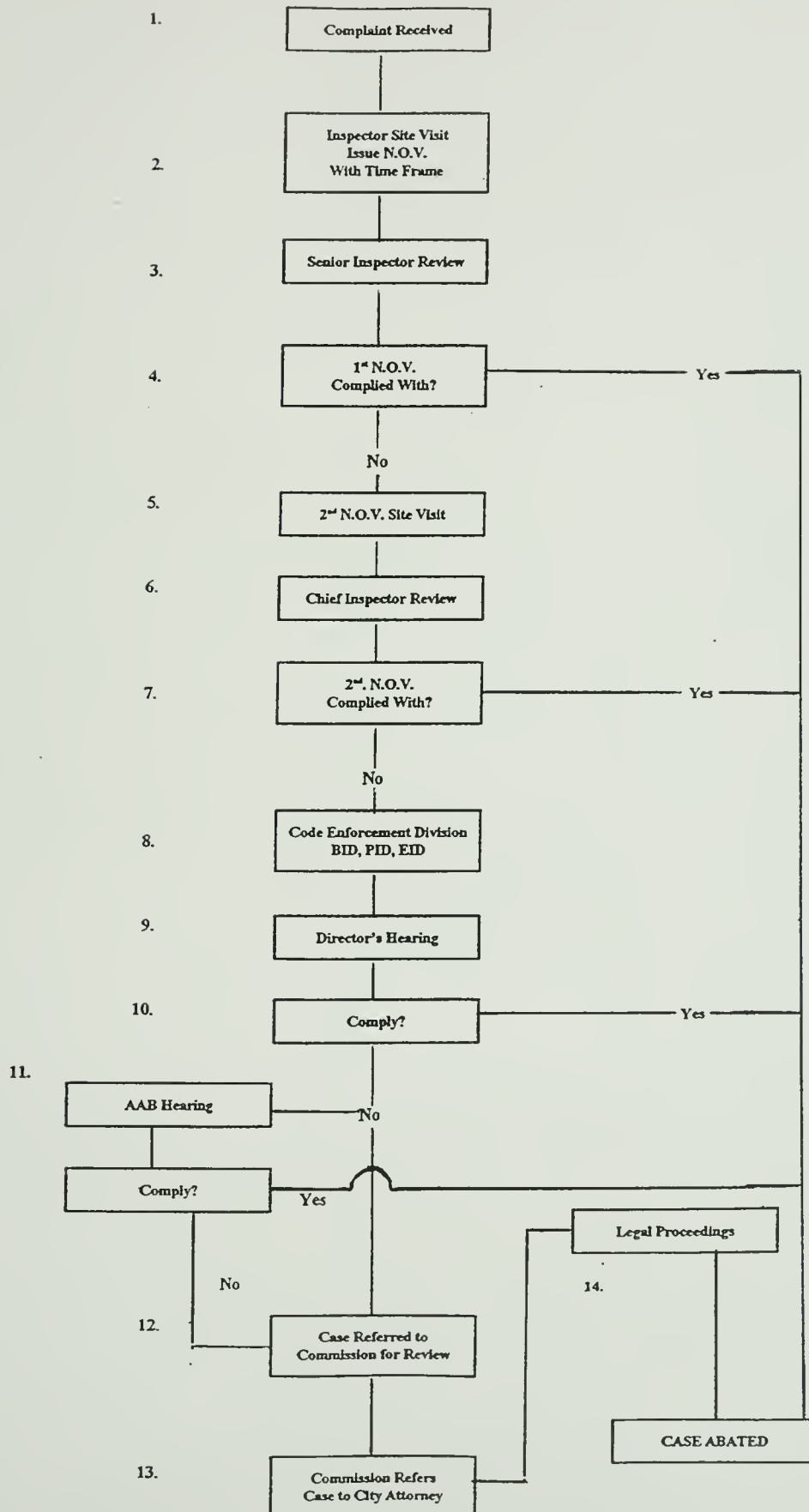
PROPOSED COMPLAINT PROCESS

(See Attached Flow Chart)

1. Complaints are received by D.B.I. staff and are directed to appropriate division: Housing, Building, Electrical, Plumbing, and Disability Access.
2. Inspector makes inspection and verifies complaint. If complaint is not valid, clear case records. If complaint is valid, inform property owners/lessees on ways to make corrections, i.e., How to file permits and if plans are necessary with appropriate written instructions. Writes Notice of Violation (N.O.V.) On site, specifies maximum time allowed to make corrections per the prioritized violation chart.
3. Senior Inspector is informed of action and reviews N.O.V. Determines if emergency order is required.
4. If 1st notice is complied with, then case is abated.
5. When time has elapsed and corrections have not been made, then Inspector issues 2nd notice.
6. Chief Inspector of Division is notified and reviews case. If unable to reach a solution, then sends the case to the Director of D.B.I. for a Hearing.
7. If 2nd N.O.V. is complied with, then case is abated.
8. If B.I.D., P.I.D. and E.I.D. cases have not been resolved at Chief's level, then case is now referred to Code Enforcement Division. C.E.D. prepares case for Director's Hearing.
9. Director has hearing and issues order of abatement if required. Develops cost assessment statement and mails to owner with instructions of A.A.B. (Abatement Appeals Board) process.
10. If building is brought into compliance with Director's order, then case is abated. If not in compliance, then case is referred to full Commission for review or at request of property owner to A.A.B. Hearing.
11. A.A.B./Commission Hearing Appeal is heard and decision is rendered. If appeal is denied and owner still refuses to comply then case is sent to full Commission.
12. C.E.D. presents all facts and findings to full Commission for review.
13. Commission reviews all cases with orders of abatement and decides on next course of action, i.e., City Attorney referral, lien process, collection agency etc.
14. City Attorney takes legal action.

APPENDIX D

FLOWCHART OF COMPLAINT PROCESS



ANIMAL CARE

AND

CONTROL

Report of the
1996-1997 San Francisco Civil Grand Jury

ANIMAL CARE AND CONTROL

SUMMARY

San Francisco's animal services suffer from fragmentation among various agencies, philosophical differences among staff members of these agencies and funding problems. The 1996-1997 San Francisco Civil Grand Jury recommends moving dog licensing from the Tax Collector's office to the Department of Animal Care and Control (ACC), and vicious animal hearings from the San Francisco Police Department (SFPD) to a Court Commissioner. These changes would improve animal services to the citizens of San Francisco. The Grand Jury also urges the courts to take into consideration the cost to taxpayers, cruelty to animals, and hardship on caretakers, when animals are confined for lengthy periods awaiting trial decisions, and to expedite such hearings as much as possible within the limits of the law.

METHODOLOGY

The Grand Jury interviewed persons responsible for administering animal-related programs and those who physically care for and control animals, including state-licensed Animal Control Officers and supervisors at ACC and members of the SFPD and SF SPCA. The Grand Jury studied budgets, annual reports, audits, and local and state ordinances; inspected care facilities; witnessed vicious animal hearings; and spoke with both local veterinarians and animal control personnel in surrounding counties.

BACKGROUND

ACC was established on July 1, 1989, to perform services mandated by provisions of the California Health and Agriculture Codes. These are services previously contracted

in the San Francisco Society for the Prevention of Cruelty to Animals (SF SPCA). They include rescuing and caring for stray, injured, abandoned, mistreated and neglected animals; enforcing all state and local animal control and welfare laws; dealing with both companion animal and wildlife; and delivering effective, courteous and responsive animal care services to San Francisco residents.

Uniformed, state-licensed Deputy Animal Control Officers perform field services such as impounding animals at large, rescuing animals in distress, investigating house picking up sick or injured strays and removing dead animals from city streets.

AOC operates a shelter facility at 1200-125th Street, which is open from 8 a.m. to 5:30 p.m. every day of the year. Kennels where owners may adopt or redeem animals are open from noon to 5:30 p.m. daily except City holidays. Animal Control officers respond to requests for routine services from 8:00 a.m. to 5:30 p.m. daily except City holidays and to emergencies 24 hours a day.

State law (Health & Safety Code §19001) mandates rabies vaccination for dogs in all counties declared "rabies endemic," which now includes the entire state. Licensing is considered a means of easily determining an animal's vaccination status, as well as an aid to locating owners of lost pets.¹

The San Francisco Tax Collector currently collects dog license fees. The San Francisco Board of Supervisors' Budget Analyst, in an April 1995 report, recommended to the Board that AOC take over this task. To date, AOC has failed to

¹ It has been decades since a confirmed case of rabies has occurred in a companion animal in San Francisco.

its attempts to obtain additional funds for this duty and is reluctant to take it on until financing is in place.

In many counties when a person has a dog vaccinated against rabies, local ordinances require the veterinarian to mail a certificate to the local animal control office, which then checks to see if the animal is licensed and, if not, initiates contact with the owner. Usual procedure is to send three notices before issuing a noncompliance citation. No such program exists in San Francisco. Despite the fact that San Francisco charges less for licenses than neighboring counties — for example, Oakland's fee is 2.5 times higher — San Francisco has a far lower percentage of licensed dogs. (See Appendix A)

The SFPD currently conducts all hearings on vicious dog attacks. These hearings, which take place in the chambers of the San Francisco Department of Public Health, resemble trials and often elicit strong passions from dog owners, victims, and witnesses. Because these hearings may be intense, complex, and lengthy, a maximum of three cases is heard per weekly session. All concerned parties interviewed for this report agreed a civilian should replace the hearing officer, who is currently a uniformed member of the police force.

Licensing

Findings

- San Francisco has an inadequate method of enforcing licensing requirements.
- ACC lacks sufficient funding to enforce licensing.
- San Francisco charges less for licenses than other Bay Area cities and counties.
- Animal control functions are dispersed among various city departments.

Recommendations

1. The City should institute a trial program under which ACC would take over dog licensing duties from the Tax Collector's office and receive appropriate funding. At the end of the trial period, the Controller should evaluate the cost-effectiveness of this endeavor and make appropriate recommendations.
2. ACC should evaluate the costs and benefits of requiring veterinarians to submit copies of all rabies vaccination certificates and using that information to notify owners of unlicensed dogs of the licensing requirement.
3. ACC should request an increase in license fees at least equal to those charged in Oakland.

Vicious Animals

Findings

- The Grand Jury agreed with the widely expressed admiration for the skills of the SFPD officer currently charged with hearing vicious animal complaints and also agreed with the consensus of the various parties involved that this function more properly belongs under the aegis of the Municipal Court.
- Vicious animal hearings resemble trials and often elicit strong emotions from participants, which, on occasion, have led to actual physical violence.

Recommendations

4. A Municipal Court Commissioner should be trained to take over this part-time, but sensitive, position.
5. Armed bailiffs should be present at all vicious animal hearings, and participants should pass through metal detectors en route to such hearings.

Holding Animals As Evidence in Court Cases

Finding

- Dogs confined as evidence in court cases where the charge is harboring a vicious or fighting animal or otherwise abusing an animal can be held in cages at ACC for up to a year and a half awaiting the trial. Nevertheless, the Grand Jury found no instance where a dog was actually brought into court. This is both inhumane and expensive. Furthermore, all experts the Grand Jury consulted agree that an animal confined to a cage for many months would not exhibit the same characteristics it had when first incarcerated. The “evidence” would change over time.

Recommendations

6. In those cases where the District Attorney has requested that ACC house animals, all parties involved — ACC and the District, City, and defense attorneys — should cooperate in developing a plan that will preserve the necessary evidence yet avoid the need to house those animals for up to a year and a half.
7. In cases of abused animals that ACC has determined to be no danger to the community and eligible for either release to owners or adoption, the Grand Jury recommends that ACC seek methods to expedite hearings to avoid the hardship of long-term caging on both caretakers and animals.

REQUESTED RESPONSES

Mayor

Board of Supervisors

Department of Animal Care & Control

City Attorney

REQUESTED RESPONSES CONTINUED

District Attorney

Public Defender

APPENDIX

A. License Fees

APPENDIX A

License Fees in Selected SF Bay Area Jurisdictions

Intact dog/altered dog:

	<u>1 Year</u>	<u>2 Years</u>	<u>3 Years</u>
San Francisco	\$16/8	\$30/14	\$44/20
Oakland	40/10	70/18	100/26
San Mateo County	21/11	None	None
Contra Costa County	22/11	41/19	60/27

All jurisdictions offer substantially reduced fees for senior citizens.

CITY AND COUNTY
MOTOR VEHICLE POLICY

Report of the
1996-1997 San Francisco Civil Grand Jury

USE OF CITY AND COUNTY OF SAN FRANCISCO MOTOR VEHICLES

SUMMARY

The 1996-1997 San Francisco Civil Grand Jury investigated after-hours use of City and County-owned motor vehicles. The Jury's investigation included questionnaires sent to all departments, meetings with several of department heads, and review of appropriate sections of the Administrative Code. The Grand Jury concludes that the present system for monitoring such after-hours use of vehicles is unsatisfactory and that some unauthorized use occurs. The citizens of the City and County of San Francisco are entitled to have confidence in the fact that the hundreds of motor vehicles purchased or leased with their tax dollars should be used appropriately, and that personal use of such vehicles is not abused. The Grand Jury recommends a more formalized system of reporting and review of such use.

BACKGROUND

The City and County of San Francisco owns and operates a great number of motor vehicles of all types. (The Grand Jury investigation dealt only with cars and pick-up trucks.) Historically, employees of various departments have used such vehicles after hours for a variety of reasons. There have been periodic instances of abuse of such use. These have given rise to attempts at reform. The most recent effort, in 1992, an effort led by then-Supervisor Terrence Hallinan, resulted in the passage of Administrative Code Section 4.11, which regulates the use of City-owned vehicles. That section provides, in part, that "vehicles owned, leased, or rented by the City and County and assigned to or under the jurisdiction of any departments of the City and County shall be used only in the discharge of municipal business." (Section 4.11(a)).

Such use may occur only with the consent of the head of the department.

There are two exceptions to this rule, set forth in Section 4.11(b). One applies to employees who must be away from their residences on City and County business before or after the normal work day. This exception applies only to employees residing within the City and County or residing and working outside the City and County. The second exception applies to employees who operate emergency vehicles. Employees of the Police Department, Sheriff's Department or Emergencies Services Department may use City vehicles, no matter where they live, if they have prior written permission from their department head. Detailed records of such use must be kept and be open for inspection by the Mayor's Office and the Board of Supervisors.

Department heads and City officers, who are presumed to be "always on duty" are exempt from these regulations.

By law, the use of motor vehicles must be reported as taxable income. Each department is supposed to report to the Controller of the City and County each instance of personal use, for which each employee is then charged \$3.00 of taxable income. Such income is reported on the employee's W-2 Form.

Findings

- The current system of allowing each department to decide, without any oversight review, which employees may take vehicles home with them overnight or on weekends, and on what occasions, is unsatisfactory. The current system lacks any supervisory control. Abuses of the current system are widespread.
- There are certain instances where use that would be improper by a literal reading of the Administrative Code nevertheless makes good sense. For

instance, some departments lack adequate garage space. Cars owned by these departments would have to be left on the street overnight if not taken home by employees. In such instances, employees are often allowed to take vehicles home at night simply so that they will not stand unattended on the street overnight. While such a practice may be reasonable, it is nonetheless subject to abuse. Oversight of these practices is lacking.

- Prior to the commencement of this investigation, certain departments were not adequately reporting employees' use of vehicles to the Controller for tax purposes. This investigation has changed some of those practices, but probably not all. The Controller's office does not investigate each department's method of reporting vehicle use, and therefore has no way of knowing whether such reports are accurate. The entire system appears to operate on the "honor system."

Recommendations

1. A more formalized approach to after-hours use of City and County-owned vehicles needs to be undertaken.
2. On a periodic basis, monthly or quarterly, each department should report to one designated official each instance of after-hour use of all motor vehicles assigned to that department. The person designated to receive and review these reports must have the authority to investigate them for accuracy, and must do so. The Controller's office is best equipped to perform this function.
3. The reports must certify that, for each reportable pay period, each employee who has used a motor vehicle has been appropriately charged with the \$3.00 imputed income that will be reported on the employee's W-2 Form.

REQUESTED RESPONSES

Mayor's Office

Board of Supervisors

Controller

SAN FRANCISCO
EMPLOYEES
RETIREMENT FUND

Report of the
1996-1997 San Francisco Civil Grand Jury

INVESTMENT POLICY

SAN FRANCISCO EMPLOYEES' RETIREMENT FUND

Memorandum Of Investigation Of The 1996-1997 Civil Grand Jury

The San Francisco City and County Employees Retirement System (SFERS) is a defined benefit plan established to provide pension benefits to virtually all employees of the City and County of San Francisco and certain classified employees of the Community College and Unified School District. It provides basic service retirement, disability, and death benefits currently in excess of \$300 million/year. The Retirement Fund is presently valued at approximately \$7.87 billion.

There are three sources of income for SFERS:

1. Earnings on investment - one third of which is handled by in-house staff (stocks and bonds) and two thirds by outside investment firms (stocks, bonds, real estate, and alternative investments).
2. Yearly contributions from the City's General Fund as necessitated by actuarial projections.
3. A charter-mandated payroll tax of approximately 6½% of City employees' salaries. It should be noted that as a result of recent collective bargaining agreements, as of 1997 the City will assume responsibility for payment of the entire payroll tax for all employees with the exclusion of a small number of medical personnel. The estimated cost is \$90 million for fiscal year 1996-1997.

The seven-member Retirement Board, Executive Director, and Chief Investment Officer have much of which to be proud:

1. As of June 30, 1996, SFERS had a one-year investment return of 16.79%, a 3-

year return of 11.35% and a 5-year return 12.92%. All are well above an actuarial assumption of 8.25%, and compare quite well on average over ten years with other public pension funds.

2. The Retirement Fund now stands in excess of 115% of actuarial liability. As a result, the current City contribution (see #2, above) has been reduced to zero. This can be contrasted with payments from the City averaging \$85 million in Fiscal Years 1993 through 1996.
3. The Retirement Board and staff have apparently been vigilant in protecting the Fund from inappropriate, questionably motivated investment proposals.
4. Fees paid to the outside investment firms, including those engaged in more complicated alternative investments, do not seem excessive and appear to represent good value for service rendered.

SFERS has been faulted for not participating more fully in the recent historic rise in the domestic equities market which saw the S&P 500 Index up 37.4% in 1995 and 22.9% in 1996. While it is easy in retrospect to be judgmental, some of the criticism may be justified.

There has been a reluctance to match other public pension funds (San Diego, Phoenix, Seattle, CALPERS) which have traditionally allotted approximately 50% of their assets to foreign and domestic stocks. In particular, SFERS appears to have been somewhat averse to U.S. equities. As an example, SFERS' commitment to domestic stocks was just 29.8% at the end of 1994 just prior to the run up. It has only recently exceeded 35%.

This SFERS tendency has been commented upon previously in a report by a Mayor's Fiscal Advisory Committee in 1992. The argument here is not for market "timing," but

rather for a more prudent asset allocation mix which might better position SFERS to benefit to a greater degree from significant increases in the equities market when they occur.

There will undoubtedly be a correction in the U.S. stock market from present levels. Nevertheless, at this stage of its maturity, the SFERS January 1997 decision to adjust the asset allocation scheme to reflect 50% domestic and foreign equities is to be welcomed.



